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7 JUNE 1978 REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, San Francisco, California, on Wednesday, June 7, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Murphy, Sanchez, Toler, Siggins

ABSENT: Commissioner Ciani

Commissioner Siggins presiding.

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POLICE COMMISSION RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION VICE-PRESIDENT FOR THE BOARD OF POLICE COMMISSIONERS. - CONTINUED FOR ONE (1) WEEK

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RECOMMENDATIONS OF THE TRAFFIC BUREAU- APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1234 GRANT AVENUE - LA PANTERA CAFE

a) At 1234 Grant Avenue, install a 44' white zone, to extend from north property line 44' south of same.

815 STOCKTON STREET - MEDICAL & ACUPUNCTURE CLINIC

a) At 815 Stockton Street, on the west line of Stockton Street approximately 57' north of Sacramento Street, install a 20' white zone to extend from 22' to 42' north of south property line.

b) Remove meter #STO-807.

3209 SCOTT STREET - SCOTT'S SEAFOOD GRILL & BAR-DENIED

201 GOUGH STREET - VICTORIA LIQUOR 10 5

a) At 201 Gough Street, install a 22' green zone, to extend from south property line 22' north of same.

201 OAK STREET - VICTORIA LIQUOR

a) At 201 Oak Street, install a 22' yellow zone, to extend from east property line 22' west of same.

353 COLUMBUS AVENUE - LUIGI'S RESTAURANT

a) At 353 Columbus Avenue, install a 22' white zone, to extend from 47' to 69' south of Broadway.

100 RUSS - SUN COUNTRY FOODS

a) At 100 Russ, revoke existing 36' yellow zone, extending from 24' to 60' south of Howard.

b) Install a 36' green zone at the same location.

1800 FOLSOM STREET - CALIFORNIA PELLET MILL CO.-HOLD OVER

682 MCALLISTER STREET - SAN FRANCISCO SHOWCASE

a) At 682 McAllister Street, revoke existing 25' yellow zone, extending from east property line to 25' west of same.

300 PAGE STREET - ZEN CENTER

a) At 300 Page Street, revoke existing 50' white zone, extending from 22' to 72' west of Laguna Street.

400-9th AVENUE - GEARY WHOLESALE COMPANY

a) At 400-9th Avenue, revoke existing 24' yellow zone, extending from 37' to 61' south of Geary Boulevard.

1299 SHOTWELL STREET - BUENA VISTA ANNEX

a) At 1299 Shotwell Street, revoke existing 120' white zone, extending from 15' to 135' north of Army Street.

1201 SHOTWELL STREET - BUENA VISTA ANNEX

a) At 1201 Shotwell Street, revoke existing 111' white zone, extending from 6' to 117' south of 26th Street.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 366 feet of yellow and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 266-78

GUARDAMAN DUGGAL AND VERRA DUGGAL AND THEIR ATTORNEY ARNOLD I. BERSCHLER

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Guardaman Duggal and Verra Duggal in the sum of $350.00 in Superior Court Action No. 759-797 entitled "Guardaman Duggal and Verra Duggal v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 4, 1973

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 267-78

AUTHORIZING ATTENDANCE OF DR. MIMI H. SILBERT, TRAINING CONSULTANT, PERSONNEL AND TRAINING ACADEMY STAFF AT THE BASIC COURSE REVISION CONSORTIUM COMMITTEE WORKSHOP AT LOS ANGELES, CALIFORNIA, FROM JUNE 21, 1978 TO JUNE 22, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Dr. Mimi H. Silbert, Training Consultant, Personnel and Training Academy Staff, be detailed to attend the Basic Course Revisions Consortium Committee Workshop at Los Angeles, California, from June 21, 1978 to June 22, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Dr. Silbert in a sum not to exceed $155.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 268-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Lieutenant Charles W. Thollander) $255.00 (Workshop on
Internal Affairs Bureau) (Police Civil
(Liability and
(Defense of Cit-
(izen Misconduct
(Complaints at San
(Francisco, Calif-
(ornia, from May
(21, 1978 to May 24,
(1978, inclusive.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

WEEKLY SICK REPORT

		PREVIOUS WEEK
Daily average for the week sick	61	57
Daily average for the week disabled	92	93
TOTALS	153	150

This is a decrease of three (3) members off duty daily from the previous week.

Daily percentage for the week sick	3.35
Daily percentage for the week disabled	5.58
TOTAL	8.93

Disabled at the start of the week	94
Started during the week	18
Returned during the week	18
Disabled at the end of the week	94
Net Gain or Loss	0

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, APRIL 26, 1977 AT 2400 HOURS:

Daily average for the week sick	95
Daily average for the week disabled	92
TOTAL	187
Daily percentage for the week sick	4.56
Daily percentage for the week disabled	5.58
TOTAL	10.14

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, MARCH 18, 1978 AT 2400 HOURS:

Daily average for the week sick	48
Daily average for the week disabled	96
TOTAL	144
Daily percentage for the week sick	2.47
Daily precentage for the week disabled	5.78
TOTAL	8.25

The report was ordered filed.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, I would like to comment on a couple of items; 1, in regard to crime, I have given to you our preliminary report as regard to serious crime. And that reflects for the month of May 1978, compared to last year an increase of approximately 6% in serious crime. All serious crimes increased except motor vehicle theft which decreased. For year to date January through May this year compared to last, we have an approximate 5% decrease in serious crime, however, crime such as murder, rape, robbery, all increased. Aggravated assault decreased and burglary and larceny and auto theft. So we are confronted with a continued increase in crime, basically, month by month, although year to date it is still a decrease. I also want to mention that because the computer broke down 11 hours that there are approximately....were approximately 500 incident reports that were not accounted for in our report on crime. Had they been counted then our decrease would have been larger than the 1%, the increase in crime and then the decrease for year to date would have been smaller than it is. We will, of course,pick up those 500 unreported crimes and report them to the FBI during the current month. Do you have any questions or comments on the crime report?"

Commissioner Siggins: "What happens when you have a computer breakdown....of that....."

Chief Gain: "Well, what happened is that the computer broke down for about 11 hours and approximately 500 reports then were not counted in our report for the month of May, and what occurs is that those 500 reports will be reported in the month of June."

Commissioner Siggins: "What I mean is, if they are May reports, can't they be done by hand or whatever?"

Chief Gain: "No, the computer counts down and kicks out the crime report automatically on the last day of each month. Once that occurs then you can't go back and pick them up, you have to reflect them in the next month. It's not unusual to have some crimes reported in a succeeding month that isn't unusual, it is unusual the computer breaks down and results in that many not being reported."

Commissioner Murphy: "Do you have any explanation other than just....what may happen to account for the increase? Is there any....."

Chief Gain: "In regard to that 500? No. Because we don't know what types of incidents."

Commissioner Murphy: "No, I don't mean the 500, I mean the general increase, the 6% increase."

Chief Gain: "Well, that's been going on since about March. We've had an increase in March and one in April, another increase in May. And as I commented before, what is happening at this time is that whereas last year some continued decreases attributable, I think, to two things, the Citizens Safety Project and then emphatic police programs that we have arrived at the point of saturation, that is the impact we can realize with present compliment of police officers as such that we are going to have more police officers to maintain a continued desirable impact on crime. As I commented before, I anticipate this month that we would wind up with about a 4% decrease in crime year to date and it appears right now the crime will level out as far as decreases so we will be about even, maybe, at the end of June or by July, and then we may well start showing increases in reported crime for year to date and we could well experience before this year is over....I....this is only a projection now, an estimate, perhaps a 5% increase in crime for the year 1978 compared to 1977...that looks like where we are going. Because what happens historically, is that as we acquire additional personnel, re-deployed more personnel to the street, implemented the decoy unit, you do get desirable results. But there is a saturation point where you have to have more personnel to achieve the same results. Input, output, and that looks like what we are confronted with."

Commissioner Murphy: "I thought that also, though that part of the increase was due to the rise in rape, the earlier increases in March and April."

Chief Gain: "As you can see here for the month of May, the only crime that did not increase was vehicle theft. We have increases....."

Commissioner Murphy: "Well, I know this one is, but previous....prior reports have shown some decreases in most of the....."

Chief Gain: "I think it was March, the greatest single increase, as I recall, was in the crime of reported rape, you know, rapes, but we did have increase in others, and we still have an increase in

the crime of rape which I am convinced is not an increase in the actual number of rapes but rather an increase in reporting."

Commissioner Murphy: "In reporting. I am sure it is too."

Chief Gain: "Any other comments Commissioners on that report? A comment then on the budget matters. As we are aware, and I gave you copies of reports, the Mayor today issued several documents at a press conference in regard to some projections on what would happen by way of funding. I gave you copies of those documents. In a letter from the Mayor to the President of the Board of Supervisors, he states that he proposes funding all of our law enforcement agencies at 90%, which will require adding millions of dollars to the budget. Then this office passed out a budget level document which reflects at the 2nd and 3rd level 90% funding in the Police Department. We don't know, of course, at this, what our final per cent allocation will be. I do want to relate to you though two things, putting into perspective that 90% in regard to our current year budget, our current year budget is $75,800,703 dollars, the 90% funding would be $75,150,645 dollars, so in comparing....."

Commissioner Murphy: "Excuse me, could you give me that first figure again?"

Chief Gain: "Yes, $75,000,000 our current budget, $75,800,703 dollars current with a 90% cut....90% funding as the Mayor proposes would be $75,150,645 dollars. Now that doesn't appear, just looking at those figures, to be much of a cut, but actually what it amounts to, of course, we have had increased cost for vehicle repair and things of that nature, so it would be quite a drastic cut in our current funding level. My main point though is to emphasize, secondly, that our staff is now working on different projections for allocation of resources and so on, based on whatever percent funding we do get. And we want to assure you that as soon as we learn which, you will learn at the same time, of course, whether it will be 90% or whatever, then we will go ahead and come up with a very precise, definitive plan for allocation of resources within the police department, subject to your policy consideration and we are dedicated to the best we can by way of using our resources to provide the best services for our citizens. That ends my report."

Commissioner Sanchez: "Chief if I might just ask one question, when we were doing projections a couple of weeks ago a 90% level, I guess, level 6 was estimated roughly at 76.1, if you remember on that. Then now I guess what the Mayor's Staff has projected 75.5 which is almost 1 million differential....."

Chief Gain: "That has been reconciled and we agree with their....."

Commissioner Sanchez: "With their findings?"

Chief Gain: "Yes, it would be 75 maybe, with their findings."

Commissioner Sanchez: "Okay, thank you."

Commissioner Murphy: "Are you still proposing something similar to take up this 10% slack to what you proposed earlier as a possible way to handling this?"

Chief Gain: "Yes, what we...at level 6 of funding, level 6 it was a matter where we had done many things other than reduce the work hours of personnel, as you will recall. In reflecting on that matter today, there is a couple of items that we have to reconsider, 1, the elimination of holiday pay, we are reconsidering that because that was a proposal at a previous level, but most particularly the elimination of our computer function that we eliminated at a previous level to the tune of, I think of 1.4 million dollars. What we feel we have to do is retain computer services that we feel we should have rather than eliminate them and go all to a labor intensive project, but we feel that we can still retain some computer services, not to the tune of a million dollars though. So we are reconsidering this whole thing now. What we want to do as much as we possibly can, is to retain all of our personnel. Not get into cuts of hours or anything of that nature if we can do it."

Commissioner Murphy: "May I ask you this, have you any idea of how much it cost us to police the various large parades that we have in this city, for example, I'll say St. Patrick's Day as being one of them?"

Chief Gain: "That can be easily determined....."

Commissioner Murphy: "Chinese New Years and so on....."

Chief Gain: "I don't have a figure offhand Commissioner, but I will say this, that a very, very substantial cost in San Francisco for not only policing parades, and as we know they are numerous, but numerous demonstrations."

Commissioner Murphy: "Well, demonstrations we don't plan however. The parades we plan or are planned for."

Chief Gain: "But demonstrations in this city are so frequent that we can plan for them, we know, they are going to occur. Just taking numbers per X year for example, and what it really amounts to, and this applies, somewhat, to parades, that we have such great numbers in this city that we are not staffed for it, and every time we have a parade, every time we have a demonstration, we have to re-direct our police resources that should be responding to taxpayers police service needs and divert them to some other need."

Commissioner Murphy: "I think it really would be worthwhile, I don't know how the rest of the Commission feels about it, or what, but if we really are going to have to save money and it is a substantial number the demonstrations we don't give permits for at least, but we do give permits for parades, and I think it would be something that you might consider as a large budget item that we might have to just say, alright we don't have them for awhile to see where we are, if that's possible."

Chief Gain: "Under the law as I understand it, we cannot preclude people from either demonstrating or parading. Under the law people have a right to parade and we must issue a permit. What we can do, under the law, is control time and route. But we can't stop it, we can only control the route they take and what streets they use, and time, and things of that nature. That's a constitutional right. So we have to do it. And if we try to refuse the permit and go beyond what discretionary power we have, a court would order us, in fact, I think, to go ahead and provide the police services. The same with demonstrations, that we cannot preclude a demonstration. People have a constitutional right to peacefully demonstrate, so we have to police them. And I think this, that we will undoubtedly have to encourage some groups who demonstrate without really good cause and create a great deal of chaos, and consequently cause an inordinate need for police services, to try to be more realistic. I have no particular group in mind, it was mentioned in the newspaper today, I won't repeat that name. But some groups do cause a great disservice to the city with the great number of policemen we have to put into that type effort."

Commissioner Toler: "Chief, what is the [illegible] cost for this type of service?"

Chief Gain: "Well, that is what Commissioner Murphy....."

Commissioner Toler: "I mean a guess....."

Chief Gain: "Do you have any idea on a yearly basis?"

Deputy Chief Mullen: "No, not a yearly figure."

Chief Gain: "We will get you a report though. We will get you a report and....."

Commissioner Murphy: "It will be interesting to see how much it does cost."

Commissioner Siggins: "Right, you know when President Ford was here a few years ago, we had itemized the amount of expenses on security....."

Chief Gain: "We gave you a report, I think, on that particular one, because we have, at times, taken the position, without success, that the Federal Government should pay for some of these services we provide every time we have dignitaries come into town, and so on. We have to provide necessary protection, and sometimes we felt the Federal Government should kind of help us out."

Commissioner Toler: "Did you ever bill them? Did you bill the Federal Government?"

Commissioner Siggins: "The Board of Supervisors.... we supply the information to the Board of Supervisors and I think they were the ones to bill them, we were not the ones to do it."

Chief Gain: "They tried, but without success. We have, and we will again, explore charging a fee for every unusual police service that we can. The Mayor's Office asked us to do that as a part of our anticrime planning for Proposition 13 and we considered part of it, but it appears that we really can't do that. But we will, if we can, for every [illegible] Police Service."

Commissioner Sanchez: "Chief, if I might [illegible] question pertaining to the protective [illegible] at this point a level of 30% which is 75, [illegible] as to personnel, it is your feeling at this point, and then again it may be too early, too soon, to really delineate that, but we are not [illegible]

cutbacks in sworn personnel, rather either redeployment to the primary function of patrol services and/or perhaps even differential time modules, correct, or am I off base on that?"

Chief Gain: "Well, that's our hope. The key is whether or not the salary savings will be taken. That's a real key factor, because what happens every year is a matter of good budgeting, is that based upon projected vacancies, salary savings are taken by the Mayor's office or by the Board. Now, if salary savings are taken, that is, in fact, going to reduce the actual figure below 75 Million, so we are going to find out what's going to occur there. Because the salary savings that were taken was based upon different considerations then we now have with Proposition 13 being passed. But to be more directly responsive, it does appear now that at level 6 with 90% funding when we consider the actual amount of money available to us, then we may have to get into having to reduce some hours of work, our plan, as you know, is not to lay off anyone, but it appears as though we may have to reduce some hours below 40."

Commissioner Sanchez: "Both for sworn and non-sworn personnel."

Chief Gain: "Yes."

Commissioner Sanchez: "Definitely."

Chief Gain: "Yes, what we feel is that in a particular function, when we have need to reduce that function, there would be cuts in both sworn and non-sworn, because the non-sworn support the sworn personnel. Unless we chose to take a particular function that is totally staffed by non-sworn personnel in order to keep more number of sworn personnel, now we have to get into all of these type of considerations."

Commissioner Sanchez: "Okay, and that was [illegible] mentioned before, also would include the addition of your EDP Program, as far as your computer time..."

Chief Gain: "Yes, to be more specific, for example, it is now about 1.2 million entries per month we service. So whenever a police report is made, an incident report, we have numerous clerical people who type that into the computer. Now, what we are considering now is going into a [illegible] procedure. So rather than to type those reports into a computer, reproduce them through photocopy and distribute them because when they are typed into the computer then we have all of those terminals and they are

pumped out of the terminal. Well, we may be able to cut that out and that will reduce some of that 1 million, but we feel that we are going to have to have some data. We have warrant data in the computers and criminal information data that officers need on a day by day basis."

Commissioner Sanchez: "Thank you."

Commissioner Murphy: "Do you want to comment on why Arson is never included in the FBI figures? I have been reading the papers, along with everyone else, I am sure, and seeing the comments on.. ...."

Chief Gain: "Well for historical reasons, what it amounts to, it is called the Uniform Crime Reporting System that was adopted in approximately 1930. At that time a determination was made as to what crimes would be considered serious crimes, the murders, the aggravated rapes, the burglaries, and for some reason, they included thefts. So, at that time what we wound up with, a theft of a pencil, literally, if reported, has the same weight, as far as reporting, as the theft murder of a human being. That's an anomaly, but that is the way it works. So when it comes to crimes like Arson, as serious as that is, some very serious frauds or narcotic offenses, all those are called part II crimes, and not of part I. Now that decision was made in the early thirties and throughout the years since that time, lots of persons have argued to have serious crimes, such as Arson, one of the FBI Uniform Crime Reporting offenses. And there has simply been resistence to it, and I think principally, by the International Association of the Chief's of Police among one group, that has lobbied against it, and it simply doesn't make sense today, because as we know, if a serious crime like Arson is reported, as is of Aggravated Assault, or rape, or murder, then it's more in the conscious mind of citizens, there is more of a recognition by those who have some responsibility for preventing those type crimes, to do something about them. So, the reason is the Uniform Reporting System adopted about 1930 literally was not changed, except in approximately 1979 when they got rid of the distinction as between grand theft and petty Theft, which was a separating line of $200 dollars. That's about the only change in all of those years, so it should be changed now and efforts are underway right now to make Arson a Uniform Crime Reporting offense that will be reported as a serious crime, and we hope it's done."

Commissioner Murphy: "I see, and it is a very close liaison between our department and the fire department in the investigation....the investigation of Arson, it is both a police and fire operation, isn't it usually?"

Chief Gain: "Yes, what it amounts to, there is an Arson Task Force which is an integral part of the Fire Department. The Fire Department has approximately 7 or 8 firemen who are Arson investigators. We have a police inspector who is an intregal part of that Task Force, who works out of the Fire Department, and as soon as we can, when we have increased numbers of Inspectors, police investigators, I will assign more Inspectors to that Task Force. Right now, we could, given the problem, assign two more investigators, Inspectors, to it and they would get more effective results. The fact of the matter is, with all of the other equally serious crimes, I can't assign two more there. So we do have a very effective Arson Task Force."

Commissioner Siggins: "Anything else? Thank you Chief."

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $150,000 FOR THE EXPANSION OF THE SENIOR ESCORT PROGRAM.

Chief Gain: "Mr. President, members of the Commission, with your permission, if you desire an explanation, Mr. Mark Forrester, who is the project director of our Senior Escort Program is here to give you an explanation or answer any questions you may have. Mr. Forrester."

Mr. Mark Forrester: "I brought some copies of the program that was approved by the Mayor's Office in February of 1977 and later on passed by the Board of Supervisors, I believe you were still there at the time. What has happened is very simple, we have begun to implement the program as you have been reported to by Mr. Izumizaki, and the Chief, and there are neighborhoods left out. The four neighborhoods included in the funding or community development, is Western Addition, Hunters Point, the Tenderloin and Chinatown-Northbeach. The arrangements required in the Grant are that the senior citizens receiving a particular service as we offer can only be picked up from those....within those boundaries that they are defined by census tracts. They are associated neighborhoods, that is, people across the street, large populations of senior citizens in adjacent census tracts, and neighborhoods that were left out because of the requirements of the funding source who have requested to the Board of Supervisors, and to the Chief, and to me, an inclusion. This process has been going on for six months. In response to Supervisor Gonzales...authored an ordinance which set aside from the program, [illegible] hundred thousand dollar allocation of which for senior services. Of the four services [illegible] cal[illegible] that were to be attended to, the [illegible] vice, I believe, was either first or second. The Commission on Aging was asked to receive [illegible],

we went and presented a proposal for the Chief and the Police Department, Jordan, myself and Mr. Izumizaki made a presentation, we asked for $200,000 dollars, the number of request to the Commission was in the range of 5 million dollars, and they recommended that we get 75,000 dollars for the South of Market and Potrero Hill. That recommendation went to the Board of Supervisors, it was a recommendation only, the Board will make the final decision and apparently at one of the Hearings a number of Supervisors in neighborhoods like OMI, Supervisor Hutch from Hayes Valley, and some other Supervisors, raised the issue that certain neighborhoods were being left out with high concentration of senior citizens, who, also, were in situations of high crime. And my understanding is that, we are to submit to the Board of Supervisors a specific budget, supplemental appropriation budget request, for $150,000 dollars from the parking meter, and that if this is done quickly, an attempt will be made to augment by a suitable amount of money the $88,000 dollars and $75,000 dollars already set aside so that we all will be able to take care of the South of Market, the Potrero Hill, Hayes Valley and two census tracts in the North of Market, 120 and 121 and Northbeach, because most of Northbeach has, in fact, been left out of the designation by HUD. Now that's the situation. If it is done quickly Mr. Liaseeme, the interim Director of the Commission on Aging will try and get the Board to act on it. And it is also true that the message of Jarvis would, or could, conceivably end up with the entire parking meter fund being taken back by the City and County. However, the feeling is that we ought to get this in, in the case that this doesn't happen, it would be a chance to expand the service and if the layoffs that are talked about do occur, and unemployment goes up, the fact is we may be faced with an increased crime problem of senior citizens, period."

Commissioner Siggins: "Well, what we are really doing, Mr. Forrester, is a policy thing, we are supporting of the idea. The actual funding is something the Board of Supervisors has to grapple with and if we are going to have the program at all, we should have the program for as many as possible."

Mr. [illegible] Forrester: "Exactly, that is why I felt it should be done. It would not be desirable for us to say no, some neighborhoods should, should not, get this program."

Commissioner Murphy: "I move [illegible] proposal as a policy of this Commission."

Commissioner Toler: "I will [illegible] ..."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 270-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $150,000.00 as follows:

Appropriation No. 1195-2600 Estimated Revenues-Parking Tax Fund $150,000.00

and credit it to the following appropriation in the amount indicated:

Appropriation No. 6.161.997.020.000 Expansion of Senior Escort Program: see attached work program. $150,000.00

for the expansion of the Senior Escort Program.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

HEARING OF GROVER FORD, MUNI TRANSIT SECURITY OFFICER (C.P.C.A)

The hearing of Grover Ford, Muni Transit Security officer, was called, it having been set for this date. Muni Transit Security officer Grover Ford was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Sex Perversion (Violation of Section 3.13 of the Rules and Procedures of the San Francisco Police Department.)

*SPECIFICATION NO. 2

Unlawful Intercourse With a Female (Violation of Rules and Procedures of the San Francisco Police Department.)

*SPECIFICATION NO. 2

The Statement of Charges served on the accused February 4, 1978, is amended as follows: (Amended charges dated May 18, 1978)

Paragraph (b) of Specification No. 2 is deleted, and substituting therefore a new paragraph (b), to wit:

(b) That during the early morning hours of December 25, 1977, the accused did engage in a forcible act of sexual intercourse with said female.

SPECIFICATION NO. 3

Reflecting Discredit Upon the Police Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles D. Gain, Chief of Police of the San Francisco Police Department.

Muni Transit Security Officer Grover Ford appeared in person and was represented by Gordon S. Baranco, Managing Attorney, S. F. Neighborhood Legal Assistance Foundation.

Mr. Lawrence Wilson and Inspector Patricia Byrne, Attorneys at Law, appeared as Prosecutors for the Police Department.

The reading of the Charges was waived.

An opening statement was made by Inspector Patricia Byrne, Prosecuting attorney.

Mr. Gordon S. Baranco, Defense Attorney, reserved making an opening statement until a later time.

Muni Transit Security Officer Grover Ford entered, through his attorney, a plea of "not guilty" to Specification No. 1, Specification No. 2, as amended, and to Specification No. 3.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Grover Ford
Muni Transit Security Officer(C.E.T.A.)
378 Hamilton Street-Apt. 1
San Francisco, California

Diane Michaels
1150 Gilman Street
San Francisco, California

Apolinar Becerra
629 Bacon Street
San Francisco, California

Carolyn Meek
629 Bacon Street
San Francisco, California

Brenda S. Williams
934 Ingerson Avenue
San Francisco, California

Dr. Richard L. Cumberland
1520 Irving Street
San Francisco, California

Thelma Francis Williams
1146 Gilman Avenue
San Francisco, California

The following-named witnesses appeared for the Defense, were sworn and testified:

Police Officer James [illegible]
Muni Transit Police Division

Lieutenant Donald [illegible]
Muni Transit Police Division

Preston D. Williams
481 Sunrise Way
San Francisco, California

Deborah Williams
481 Sunrise Way
San Francisco, California

Grover Ford
Muni Transit Security Officer

The following exhibits were entered into Evidence by the Prosecution:

Exhibit No. 1 - Reporter's Transcript of Testimony. Preliminary hearing, February 27,1978, People vs. Grover D. Ford.

Exhibit No. 2 - Letter from Dr. Renee Binder, M.D., dated June 5, 1978. Not entered into evidence as Exhibit. I.D. only.

Exhibit No. 3 - Central Emergency Physician's Sexual Assault Checklist, dated December 25, 1977.

The following exhibit was entered into Evidence by the Defense:

Exhibit "A" - Superior Court of the State of California for the City and County of San Francisco. The People of the State of California vs. Grover D. Ford. Motion for Dismissal Minute Order.

At this time, Mr. Barnes moved that Specification No. 1 and No. 2 were alleged violations of public law, and because of a Minute order dismissing the alleged violations, he requested that the specifications be dismissed. The motion was denied by the Commission.

A closing argument was then presented by Mr. Lawrence Wilson, Attorney for the Prosecution.

A closing argument was also presented by Mr. Barnes, Attorney for the defense.

The Commission took the matter under submission after which the following proceedings were had:

RESOLUTION NO. 269-78

DECISION - HEARING OF GROVER FORD, MUNI TRANSIT SECURITY OFFICER (C.E.T.A.)

WHEREAS, on February 4, 1978, Charles B. Gain, Chief of Police, San Francisco Police Department, made and served charges against Grover Ford, Muni Transit Security Officer (C.E.T.A.), as follows:

SPECIFICATION NO. 1

(a) That on or about Sunday, December 25, 1977, in the early morning hours, while off duty, in civilian dress, the accused did request a certain female to accompany him to his apartment;

(b) That while at his apartment in the City and County of San Francisco, the accused did attack said female and force her to perform an act of oral copulation upon him;

(c) That by reason of said conduct the accused did engage in an act which is proscribed by public policy and laws and in so doing did engage in conduct which reflects discredit on the San Francisco Police Department and which conduct did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, hereinafter quoted:

"2.13 Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or mentioned in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(a) That each and every allegation of paragraphs (a) through (c) of Specification No. 1 is incorporated herein as if same were fully restated;

(b) That during the early morning hours of December 25, 1977, the accused did engage in a forceable act of (unclear) sexual intercourse with said female;

(c) That by reason of said conduct, the accused did engage in an act which is proscribed by public policy and the laws of the State of California and in so doing did engage in conduct which reflects discredit upon the San Francisco Police Department and which conduct did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which is quoted in Specification No. 1.

SPECIFICATION NO. 3

(a) That each and every allegation of paragraphs (a) through (c) of Specification No. 1 and paragraphs (a) through (b) of Specification No. 2, are incorporated herein as if each were fully restated;

(b) That in the early morning hours of December 25, 1977, the accused, while engaged in the aforementioned activity did place his hands about the throat of the above stated female and choke her;

(c) That the accused by such actions did create a breach of the peace and reflect discredit upon the San Francisco Police Department;

(d) By reason of this conduct, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, hereinabove quoted, in Specification No. 1.

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, June 7, 1978, and thereafter, on Wednesday, June 7, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the facts contained in the charges filed herein by Manuel Rosenthal, Security Officer, as contained in Specification No. 1, are sustained by the evidence presented at the hearing, and that Officer [illegible]

Security Officer Violated Section 2.1[illegible] of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Grover Ford, Muni Transit Security Officer, as contained in Specification No. 2, are sustained by the evidence presented at the hearing and that Grover Ford, Muni Transit Security Officer, violated Section 2.1[illegible] of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Grover Ford, Muni Transit Security Officer, as contained in Specification No. 3, are not sustained by the evidence presented at the hearing and that Grover Ford, Muni Transit Security Officer, has not violated Section 2.1[illegible] of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Grover Ford, Muni Transit Security Officer, has violated Specification No. 1, Section 2.1[illegible], Specification No. 2, Section 2.13, of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that for said violations, he shall be dismissed from the San Francisco Police Department; and be it further

RESOLVED, that said dismissal, effective June [illegible], 1978, at 2355 hours, be, and the same is hereby affirmed and approved.

Recess taken during the hearing of Grover Ford, Muni Transit Security Officer:

2045 hours to 2053 hours.
2[illegible] hours to 2204 hours.

AYES: Commissioners Murphy, [illegible], [illegible], Wiggins

ABSENT: Commissioner [illegible]

(The aforementioned proceedings were taken from Reporter's notes transcribed by Marilyn [illegible], C.S.R.)

The Commission then turned its attention to [illegible].

SECRETARY

14 JUNE 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 14, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Nemerov, Siggins

ABSENT: Commissioner Toler

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Commissioner Siggins presiding.

Sergeant Frazier: "With the Commissions permission I will call out of the regular order the Request to Transfer Taxicab permits."

Commissioner Siggins: "Well, we have items 6 and 7. I think they address themselves to the same issue, don't they?"

Chief Gain: "Yes, Mr. President, and they will be involved in the same subject matter as the other vehicle for hire permits that we want to discuss. If I may frame the issue, this is not a calendared item, nor necessarily one to be calendared, what we intend to do is to present a problem to the Commission for the Commission to entertain, and what course of action it chooses to take. We have given the Commission a copy of a letter dated June 14, subject Vehicle for Hire Permits, I will have the Sergeant, with your permission, read that letter, and what it proposes to is that since the passage of Proposition K the Permit Office has routinely processed applications under our belief that we were legally obligated to do so. Sergeant will you read that letter and the recommendation that is contained in the letter then we can discuss it from there."

The letter from the Chief was then read by Sergeant Frazier and is as follows:

"Police Department
City and County of San Francisco
Hall of Justice
850 Bryant Street
San Francisco, California

Address all Communications:
CHARLES R. GAIN
Chief of Police

Office of the
CHIEF OF POLICE

June 14, 1978

IN REPLY, PLEASE REFER TO
OUR FILE: A 270

The Honorable Police Commission
Hall of Justice
850 Bryant Street
San Francisco, Ca. 94103

Subject: VEHICLE FOR HIRE PERMITS

Dear Commissioners:

Since the passage of Proposition K, the Permit Office has routinely processed applications (Appendix I) to:

1. transfer ten taxicab permits to six corporations;

2. transfer 37 taxicab permits to [illegible] family partnerhsips;

3. transfer one jitney permit from an individual to another individual.

The applications were processed because it was our belief that it was our legal obligation to do so.

It is reasonable to infer from the number of applications being processed that some owners of permits are attempting to perpetuate family ownership of permits or effect transfers before Proposition K goes into effect. The proposition (Appendix II) states in part, "...No more than one permit shall be issued to any one person...." It also states in part, "...No permit shall be issued except to a natural person and in no case to any business, firm, partnership or corporation...." It states still further, "...No permit issued under this Ordinance shall be transferable or assignable, either expressly or by operation of law....."

The applications will be presented to the Commission at its meeting of June 14, 1978 so that the Commission can decide whether the permittees shall be allowed to complete the transactions reported.

I recommend that the Commission adopt a policy position of denial of the applications based on the fact that the people of the City and County of San Francisco have enunciated a policy through the passage of Proposition K and that the reported transactions would appear to be an attempted evasion of the people's policy, even though the provisions of the proposition are not yet formally in effect. Deputy City Attorney Dianne Dias confirmed that the [illegible] for the recommended policy

position would be appropriate and he will appear at the Commission meeting to answer any questions of the Commission regarding the matter.

Sincerely,

s/_____
CHARLES R. GAIN
Chief of Police

Attachments. "

Chief Gain: "That Mr. President, members of the Commission, is the issue framed and our recommendation in regard to it that also includes items 6 and 7 on the calendar."

Commissioner Siggins: "Well Chief, item 6 and item 7, do not fit into that because I would take it that the applications were made before the passage of Proposition K."

Chief Gain: "No, we just reviewed the dates of application Mr. President."

Commissioner Siggins: "Alright, okay, in other words two got on and the others didn't."

Deputy Chief Mullen: "That's right because when the calendar was made up two of them were completed on Friday."

Commissioner Siggins: "May I have the petter please? Mr. Diaz is here, Mr. Diaz as the Chief pointed out in his letter the actual date that Proposition K goes into effect has not taken place as yet, right?"

Mr. Diaz: "That is correct."

Commissioner Siggins: "But that is something that is going to occur in the next few days."

Mr. Diaz: "Proposition K becomes effective 10 days after it is certified by the Registrar of Voters, establishing the facts."

Commissioner Ciani: "Has that occurred yet."

Mr. Diaz: "I can't answer that question."

Commissioner Ciani: "I had heard the [illegible] said

be the date of effectiveness."

Sergeant Frazier: "I checked with the Registrar of Voters Commissioner, and a Mr. Wong there told me that the matter would be Certified three days, by the Registrar of Voters, after Monday which would either be today or tomorrow, I would assume."

Commissioner Siggins: "Well then, as the letter from the Chief points out, there are 16 taxicab permits that people have asked to have them transferred into corporations. We have recently transferred some permits into corporation only after we have had a full recognition of type of corporation, the ownership fo the corporation, and some background in regards to the reasons for the transfer, but these,of course, now, are either applications that are made after Proposition K was passed by the voters, the will of the people, meaning that permits cannot be held anymore by corporations, is that correct?"

Mr. Diaz: "Mr. President, in that regard the transfers to six corporations involve mere transfers which obviously is a policy which the people of the City and County have spoken on in voting on Proposition K, and it was a policy that they objected to. However, until Proposition K becomes effective, this Commission has related to its sound exercise of discretion, the decision whether to approve or not to approve, and I would say to this Commission that the second class of transfers which are the transfers of 37 permits and 21 taxicabs....."

Commissioner Siggins: "Well, I appreciate that, I want to take them in order, the first group of ten taxicab permits are requesting that they be turned into corporations, something that the Commission has done in the past. Albeit most more recently than before because it appeared to us to be an idea that was in contemplation of the eventual passage of some type of legislation that would not allow permits to be held in the name of a corporation. And they were actually a group of 6 that we passed,or allowed to be transferred a few weeks ago...a group of four, or a group of 6. That's something that we have done. Now in the second category, now we go into the second category...that's a transfer...request for transfer of 27 taxicab permits to family partnerships. We have not done that. We have not transferred permits into the names of more than one person in a family, isn't that correct Sergeant?"

Unknown female in the audience responded, stating: "Bill Lazar."

Commissioner Siggins: "We did not....[illegible] one transfer and I am sure it has been [illegible] pi-

understood, a transfer that came before the Commission that was involved or tied up in a court order and we read the court order and we did not, at any time, intend to make joint ownership, or co-ownership, of that permit with individuals and that certainly....I will tell you this, if you are going to argue that there was no precedent on my part to transfer it into two people. You can go back and check the record of that, if it was given that way, Mr. Lazar did not explain it to us that way, or you did not explain it, and I don't think we did it in that manner."

Mr. Ray Levy: "Mr. Commissioner, if I may be heard on that, I think that I...while I didn't appear on either of those, originally you are correct but that was one as a result of a marital problem, however, subsequently, the permit in question was transferred to the father and son and is so held at this time. That's my understanding. But I would like to be heard on the other question as well."

Commissioner Siggins: "We never came into.... if father and son were of the same name, is that correct?"

Mr. Ray Levy: "William Lazar senior and junior and both names are on it."

Commissioner Siggins: "Alright, well, I never voted for it....."

Mr. Ray Levy: "I wasn't here, so I can't speak to that point."

Commissioner Siggins: "And we never gave Mr. Lazar any type of preference to somebody that....we had given to anybody else before.....under the Lazar matter we did not, as far as I know, embark on a new course of giving transfers to great uncle family partnerships."

Mr. Ray Levy: "Well, I think that [illegible] the word 'partnership', we deal with [illegible] thing, certainly co-owners is correct. [illegible] becomes a question, but I think you will find the permits do to stand and hold it materially is not for me to say because I don't know, I would like to be heard on the other question [illegible] pendency of the Proposition K effectiveness."

Commissioner Siggins: "Well, let's.... [illegible] mission hear from the City Attorney, [illegible] involved in some particular interest that we should have. Mr. Diaz, the City Attorney [illegible]

regarding even a transfer of this...say take for instance some John Brown wants to transfer the permit now, before the effective date of Proposition K, to John and Mary Brown, his wife, what would be the effect of that?"

Mr. Diaz: "Well, the effect of that Mr. President, would be that this Commission has the discretion, at this time, to approve or disapprove such a transfer. The question that was proposed to the City Attorney's Office earlier was, 'In view of the prior policy which may have or may not have' a single exception and in view of the fact that the voters have spoken to terminate the opportunity to transfer such permits in the future, would this Commission, or could this Commission, lawfully and properly refuse to transfer on the grounds that it was violative of their general rule before, and of the public policy as expressed in the recent vote?' And our answer to that has been that, yes, this Commission has the legal power and could properly refuse to transfer, should it make that policy determination."

Commissioner Siggins: "What we are talking about is what happens now if a transfer were put into the name of John and Mary Brown and it's held for two years and John Brown passes away?"

Mr. Diaz: "Mr. President, in that case such two persons holding a single permit would be grandfathered in under that provision of Proposition K which provides that all existing permit holders, on the effective date of the Ordinance, would be continued as permit holders. It is the City Attorney's Opinion, that upon the death of one or two such holders of a single permit that more than 10% to the incidence of ownership will have passed, that accordingly, the permit will be void."

Commissioner Siggins: "So, you are saying that if we transfer the permit of John and Mary Brown, John Brown died two years from now the permit would be void?"

Mr. Diaz: "Right, that is correct."

Commissioner Siggins: "So, that if we [illegible] did make such a transfer then it's a [illegible] for as far as there is no benefit to John [illegible] Brown."

Mr. Diaz: "There is no survivorship [illegible] that Mrs. Brown would be then a permittee."

Commissioner Siggins: "Alright, if Mary became a transferee she would have notice not to sell transfer to anybody else."

Mr. Diaz: "That is our interpretation."

Commissioner Siggins: "And John Brown has nothing he could transfer to anybody else?"

Mr. Diaz: "That is correct."

Commissioner Siggins: "So really, in effect, it is the opinion of the City Attorney that that type of a request to transfer permits to what we might call to family partnerships, or family groups, family interest, would really not benefit them in any way."

Mr. Diaz: "That is correct."

Commissioner Ciani: "Similarly, is it not....it's clear from the terms of Proposition K that as to those permits that we've already approved in corporations they are grandfathered in, but any 10% change of ownership in those corporations will also void the permits, is that right?"

Mr. Diaz: "That is correct."

Commissioner Ciani: "We seem to hear some murmuring to the contrary but I think it's quite clear. It seems clear to me from the terms of Section 5 of Proposition K."

Mr. Diaz: "Madam Commissioner, several of the ladies and gentlemen who are murmuring from the audience have contacted the City Attorney's office with regard to perspective litigation and there may exist other interpretations of the statute by persons who have interest in permits. However, our advice is given in due consideration of the points they have raised with us, and after a careful analysis of the bill, and the laws which would apply as interpreted."

Commissioner Ciani: "And it's your opinion then that a 10% transfer would void the permit."

Mr. Diaz: "Yes."

Commissioner Murphy: "Could you explain to me, what 10% of what...of the incidence....explain that."

Mr. Diaz: "A transfer of more than 10% of the ownership, or 10% of the assets, or profits, and if we are talking about a half interest in a permit....."

Commissioner Murphy: "That's a 50%, I see, so if they had less than 10% interest, then what would that do?"

Mr. Diaz: "Less than 10% transfer would have no effect."

Commissioner Siggins: "Now Mr. Diaz, who wrote Proposition J?"

Mr. Diaz: "Well, Proposition J was prepared at the specifications of several Supervisors, principally Supervisors Murphy and Francois."

Commissioner Siggins: "Well, let me ask who prepared the Draft on it?"

Mr. Diaz: "It was prepared by the City Attorney's Office."

Commissioner Siggins: "Alright, and who prepared the draft on Proposition K?"

Mr. Diaz: "Proposition K was likewise prepared to the specifications of, principally, to the specifications of Kopp and Barbagelata, by the City Attorney's Office, and then the language was redrawn by Supervisor Kopp."

Commissioner Siggins: "And that's it."

Norman Loo: "Commissioner, might I address myself to one particular point, and that is whether a transfer of 10% of interest in a corporation would void the permit?"

Commissioner Siggins: "Yes Mr. Loo, you want to go ahead?"

Norman Loo: "Thank you, unfortunately I don't have a copy of K in front of me."

Commissioner Siggins: "Here."

Commissioner Ciani: "Would you like to read it."

Norman Loo: "Thank you, Section 5 talks about a transfer of 10% of stock ownership or assets of the committee in this case being a corporation. It goes on and I will quote, 'will be deemed to be a sale, or transfer, and the permit, therefore, shall

be null and void unless approved by the Police Commission in conformity with the requirements of this ordinance.' Now, I would read that to mean if there is a cumulative transfer of 10% of outstanding stock, or assets, of a corporation, a requirement to effectuate that transfer must come from this Commission. I do not read that section to mean it voids the permit. I don't know if my colleague, Ray Levy, feels that same way, but I certainly read it in that light."

Commissioner Siggins: "Well I might read it that way, but that was not...would not be the issue before us tonight, Mr. Loo."

Norman Loo: "No it isn't, I just wanted to address myself to that Mr. President, you did inquire of Mr. Diaz as to whether a 10% transfer would void the permit."

Mr. Diaz: "The language runs, Mr. President to the provisions relating to the grandfather clause."

Commissioner Siggins: "Alright."

Mr. Ray Levy: "With your permission Mr. President, first of all I note that Mr. Diaz seem to mix up his, as you put it, family partnerships with corporations. I do not recall any such clause using the 10% rule as to a husband and wife situation such as you enunciated. But I think even more important than that is this,, Mr. Diaz points out what the public has stated. However, he has not taken into cognizance the very great likelihood that it will be several years before this particular ordinance can be established as law by the time it runs the gambits of the courts. And I don't hesitate to state that it is under direct scrutiny for immediate challenge. Now, is attorney Diaz suggesting then that the entire city process and the entire cab industry, should be held, pending the adoption and legalization, if it ever does become legal, of what is obviously an extremely highly controversial amendment? I don't think that it is within the best interest of the community to say, let's stop all of the [illegible] turnover for a period of several years, [illegible] period of several years we have the right, [illegible] to anticipate destruction which will [illegible] transfers. Are we going to say that [illegible] matters are in litigation and while in litigation is in suspension, that [illegible] cannot be [illegible], that [illegible] Taxi cannot be filed, [illegible] going to say that people who are no longer willing to handle will be stuck with assets which cannot liquidate? Are we, in effect, [illegible] then treat the entire cab industry [illegible]."

Commissioner Siggins: "No, I don't follow what you are saying Mr. Levy."

Mr. Ray Levy: "Very simple, I will repeat it. The point is this that Proposition K, supposedly, will take effect 10 days after certification of the Registrar, however, that is not to say that it will not be halted by injunctive process of the courts until such time as it's legal validity is studied. That's what I am driving at."

Commissioner Siggins: "Alright, alright, then, let's go back to suppose Proposition K got thrown out, we are back to the status quo of the sections that are in effect today. What would you say about transfer to.....what word do you want to use instead of family partnership?"

Mr. Ray Levy: "Co-owners."

Commissioner Siggins: "Alright, family co-owners, what would you say about that? We really have not done that, the Commission has not approved of such a thing before."

Mr. Ray Levy: "Well, my only answer to that, of course, is that there is nothing in the law that forbids and while, of course, I recognize your position, there certainly is at least one example on the books where it does exist, that's all I can say there."

Commissioner Siggins: "I don't know what the vote was last week, but you mean to say that this Commission should embark on a new type of transfer, right, and fly in the face of the will of the people?"

Mr. Ray Levy: "I don't say that at all, I say the will of the people is not the will of the people until sanctioned by law. And all I am saying is that you do have a test period where the courts are going to determine the legality."

Commissioner Ciani: "Ah, but it is law until the court says that it is not law."

Mr. Ray Levy: "No ma'am, it is not law until the courts have determined it to, in fact, be law. You see what you would be running into is this, you know, let me explain what you're running into, under the terms of the ordinance as it exists right now, if we were to deem it to be law 10 days after the certification by the Registrar. 60 days after that date every permit in San Francisco must be sur-

rendered for a brand new permit. Now, if the court intervenes and issues an injunction to preclude that from happening, you can't very well say that it's the law."

Commissioner Ciani: "You don't have to get an injunction, it's the law until there is an injunction. It's still the law although it is subject to an injunction."

Mr. Ray Levy: "That much would follow. But all that we are saying here is, wherein, and I think Commissioner Siggins, I think you pointed it out, if you are dealing with a husband and wife situation, what are you doing adding just a couple of years potential longevity to a permit in the interest of families who have been living off of the permit? There is certainly no moral harm in that at all. Let the courts speak, then we can determine where we are, but at the moment we are here with the present law, not the anticipated law."

Commissioner Siggins: "Yes, but you're representing the people who are trying to get more out of the permit than they had before last Tuesday."

Mr. Ray Levy: "I disagree with that entirely."

Commissioner Siggins: "They didn't have joint ownership or co-ownership."

Mr. Ray Levy: "That is true, but they have rights of inheritance, which added up to exactly the same thing. I have handled many an Estate in the office where persons have died and those permits did go on to the family, so it is the same thing, you see the only thing is, a little typing on a piece of paper, but the end result is exactly the same. The State of California has exacted inheritance taxes so that family members could take over these permits. This is doing nothing more than that."

Commissioner Siggins: "Okay, are there any other questions of Mr. Diaz?"

Commissioner Sanchez: "Did you want to respond to the comments of the attorney we just heard?"

Mr. Diaz: "Mr. Commissioner, my learned and able brother Levy, I believe, speaks eloquently, but has not read the entire provision. The provision he speaks of. limiting 10% incidence of ownership transfer, does not speak solely of corporations. It

speaks of any business, firm, partnership, corporation and the like. It uses the broadest language and in the opinion of the City Attorney's Office would encompass any such interest as he proposes by what he calls a family co-ownership, which we would interpret to be a partnership."

Commissioner Ciani: "Well, actually, Section 5 only speaks of corporations. You say it relates to partnerships?"

Mr. Diaz: "When you read the entire act, and when you read the entire provision you will find that the language is consistent throughout."

Jerome Hollander: "Mr. Siggins, may I speak?"

Commissioner Siggins: "Well wait a minute now."

Jerome Hollander: "It is on his point, it is on his point exactly. My name is Hollander and I would like to ask Mr. Diaz....."

Commissioner Siggins: "Why don't you sit down for a moment Mr. Hollander and we'll talk about it."

Mr. Hollander: "Sure."

Commissioner Siggins: "We'll give you an opportunity for sure."

Commissioner Ciani: "This section says that the permits cannot be transferable and that every one has to surrender them."

Mr. Diaz: "Madam Commissioner if I may, I did not have the benefit of a copy as Mr. Loo did not have the benefit of a copy before. The copy before me Section 5, section (a) talks of 10% transfer of stock for a corporation. The provision (b) of Section 4 above, uses the language, 'all persons, businesses, firms, partnerships, corporations or other entities who possess outstanding partnerships.' Then the prior language, which has already been cited here, which provides that there shall be no transfers, provides that the issuance of new permits should be only to natural persons. Now, if there cannot be a transfer, then only persons who could come to this Commission for a new permit would stand qualified to make application. Any person who came here holding a void permit would have to qualify anew."

Commissioner Ciani: "Well when a person, firm, business or whatever surrenders the old one and gets the new one they are grandfathered into the ownership of the earlier permit, so the new permit issued under 4(b) would be issued in the names of the original owner, or owners, be it a partnership, or corporation, or firm, or whatever else."

Mr. Diaz: "That is correct. And, of course, what the effects of any of the provisions would be....."

Commissioner Ciani: "So, then, there really isn't anything specifically that speaks to 10% vis-a-vis partnerships. You have to read into this that any transfer of interest of a partnership would be a transfer, and the 10% really doesn't pertain to partnerships, the 10% relates only to stock ownership and corporations."

Mr. Diaz: "That would be a correct interpretation."

Commissioner Ciani: "So then to clarify the effect on a partnership holding a new permit, say it was a partnership of, 99 and 1%....."

Mr. Diaz: "Commissioner, where there had been no consideration paid for the change in the form of ownership, from a single permittee to a co-permittee situation, such as we have here....."

Commissioner Ciani: "What I am saying is that the percentage doesn't really matter, so if the partners have an agreement that you own 99 and I own 1 and I die, then that voids the permit even though I only own 1% of the partnership."

Mr. Diaz: "That is true, particularly where the transfer is made without consideration, and where, then, you have what is, in essence, a scheme to evade the effect of the statute, and the policy of the statute which transfer was applied for after the time that the people of the city and county had already voted upon that policy. I think that the court...and this as all laws are subject to challenge. We believe that the court interpretation will be to uphold the policy as voted for by the people which is consistent with the policy of this Commission in refusing such transfers in all except, perhaps, one previous case."

Commissioner Siggins: "Mr. Diaz, I sat on that Commission and we did not transfer it in that....."

Mr. Diaz: "Well Mr. President, I throw that out as-

suming our uendo because it avoids a lot of unnecessary conversation, I don't think one case out of the thousands of transfers this Commission has made consititutes precedent, particularly where that case has come and gone at some time ago."

Commissioner Siggins: "Alright, wait a minute, Mr. Hollander wants to speak."

Commissioner Murphy: "While he is coming up here, I would like to say this, that I don't think these transfers are being made for purposes of evasion. I think they are being made to avoid confiscation of people's property."

Mr. Diaz: "Supervisor, I wish to be quite clear on this point, the City Attorney's Office does not presume to tell the Commission what the policy should be, we merely explain to you what the policy alternatives are. This Commission will have to decide what it thinks the vote of the people meant."

Commissioner Ciani: "I think the Commission is bound to uphold the law as it is presently constituted after the election, regardless of any political feelings we might have about the law."

Commissioner Sanchez: "Through the Chair, might I ask a question of the City Attorney pertaining to Section (d) it says that, 'no permits shall be issued except to a natural person and as far as the explanation to the 10% vis-a-vis corporations, could you explain to me what the legal definition is of natural person, does that mean immediate family, sibling, whatever, or what are we talking about given this section (d)?"

Mr. Diaz: "Mr. Commissioner, the language, natural person, as used there in the law, means a human being and for certain purposes, businesses, or corporations are considered persons in the law, and this was to clarify the intent in grapplement of the provision, meaning that only individual human beings, one at a time, singularly, are entitled individually to one permit apiece."

Commissioner Sanchez: "Okay, therefore as an example, if one were to go to Section (b) and 4 where you are talking aoubt all persons, partnerships, co-ownerships and wherever defined, there is definition which would restrict husband and wife, son, siblings,etc., provided it was a family either co-ownership, partnership, or whatever the academic definition as so said here. Okay, basically, what I am trying to do is get an understanding of how one would define husband, wife, sons, etc., as far as Section (b), are we talking about partnerships,

firms, businesses, or it doesn't make any difference as long as all are listed as co-partners, officers, or what have you?"

Mr. Diaz: "Commissioner, the law in California requires no formalities in the creation of partnerships, and, therefore, two persons coming together to do business under a single permit constitutes, in our opinion, probable grounds to say there is a partnership. If there is a partnership, the transfer of on the death of one is at whatever it is that that one has."

Commissioner Sanchez: "Fine, thank you."

Mr. Hollander: "Ladies and gentlemen of the Commission, my name is Jerome Hollander, I own 5 permits, I have not requested or applied for transfer at this time but I intend to, for, but for the purpose presuming the inheritance rights of my son. I did not intend to come up here and ask for a transfer of my permits in my name, and my sons. I intended to come up here and ask for a transfer to myself, or my son, that is not a co-partnership. What Mr. Diaz said would not apply to it. If the permits are transferred into the name of me or my son, either one of us has a right of survivorship, we would protect our inheritance rights which we have had up until this time. Now when Proposition K takes effect it wipes out inheritance rights and I just don't think that's fair. A lot of these people have a lot of money invested in these things and I think it is incumbent on this Commission to try to protect these people. These things have been going on for years and years, and it's a simple word instead of and/or and the language wouldn't apply, or at least that's my opinion, but I am not an attorney."

Commissioner Siggins: "Mr. Hollander, I don't think you can talk to this....our particular Commission, Commissioner Murphy helped author Proposition J and Commissioner Murphy and I helped write an argument in favor of Proposition J and against Proposition K. So I don't think you can....."

Mr. Hollander: "No what I had in mind, maybe I said it badly, but it is at your discretion at this time the law.....Proposition K is not law right at this moment. Thank you."

Commissioner Siggins: "You want to say something Mr. Levy?"

Mr. Ray Levy: "Yes sir, I am going to ignore the sibling situation for one moment. Mr. Diaz made two statements and I have to disagree with both.

First of all when he said, and of course I recognize that this Commission itself had nothing to do with the co-ownership permits which I have made reference, it causes you to imply that other such applications have been submitted and rejected. Apparently there is no evidence to that effect at all. Secondly, when he speaks in terms of transfer without consideration, quite frankly I am rather surprised at hearing this from Mr. Diaz because the law of the State of California has always been community property law, which also means that community property held in the name of the husband does, in fact, belong to both husband and wife, and is therefore co-owned irrespective of the name. I'm not directing myself to K."

Commissioner Ciani: "This is not what the intent of this Proposition is. It is intended to be a personal license and not any longer a Property right, I think that is what K is trying to effectuate."

Mr. Ray Levy: "Oh, I have no doubt that that is what K is trying to effectuate, but I am merely here to encourage the use of the present law, the law that we do have in front of us and merely to counter the Proposition which council would use, which would try to enforce Proposition K prematurely."

Chief Gain: "Mr. President, members of the Commission, if I may, to explain the role of the City Attorney's representative is that it is the Chief of Police that is making the recommendation of a policy stance of denial, not the City Attorney's Office. Mr. Diaz is here as stated in the last paragraph of my letter, for the purpose of explanation. I wanted to clear that up. It is the Chief of Police making the recommendation to be entertained by the Police Commission which will, of course, decide what it wants to do. The City Attorney is not, as I understand it, at all arguing one way or the other, but merely explaining law and position of the City Attorney's Office."

Commissioner Siggins: "I recognize that and appreciate the attendance of Mr. Diaz here tonight to explain that, not as an advocate but as a lawyer, explaining the meaning of the Proposition."

Commissioner Ciani: "Well, I personally think that it's misleading to think that we have much discretion in this area and that we should bend over backwards to try to permit some kind of circumvention of the law that's been voted through just because there happens to be a 10 day hiatus. I would think as public officials we are honor bound to follow the law as written and follow the spirit of the law regardless of the precise wording, to not to, as is suggested here, try to find loopholes and ways around it. We didn't adopt this law but preportedly knew what they were doing when they said they didn't want any rights of transfer by inheritance or otherwsie. So I am inclined to agree with the Chief's recommendation that we should enforce the spirit of the new law."

Commissioner Siggins: "Chief, the spirit of Proposition K is to look for permittee drivers and the attempt to transfer is getting farther away from that than they are at present, as far as I can see, yes sir?"

Person in audience: "May I speak a few words here?"

Commissioner Siggins: "Sure."

Person in audience: "Mr. President, I was in on the first 110 permits that were issued....."

Sergeant Frazier: "Excuse me sir, would you state your name please?"

Frank Tripoli: "Frank Tripoli and I am with the City Cab Company, I was first involved with the 110 permits that were issued when Alioto was Mayor."

Commissioner Siggins: "You are talking about 1968 or so."

Frank Tripoli: "Yes, awhile back, so at that time previous to that I believe the permits were issued at 15.00 dollars, so much to put it in the paper for advertising and so forth and so on, and then the city charges us $7,500 for that one permit that I acquired. Now since then I have acquired another permit, in fact three more, that I bought for a very substantial amount of money and the Permit Bureau, I tried to put my wife and myself on the license and I was refused. At that time was there a law, city law, or otherwise, that I couldn't put myself and my wife on the permit?"

Commissioner Siggins: "I don't think.....I think it was within the discretion of the Commission at that time, isn't that correct Mr. Diaz?"

Mr. Diaz: "Commissioner Siggins, the statute is silent, however, the law with regard to licenses and privileges in California is that they are personal and this has been the contention with regard to the City's posture and the existing law which we have taken in all of the recent litigation there has been about taxicabs and particularly in the case of John Robb vs. Charles Gain, the Police Commission, et al."

Commissioner Siggins: "Alright, you are asking, Mr. Tripoli whether or not...."

Frank Tripoli: "I tried to put both names on the permit and I was refused, was there a law at the time is what my question was, the two names...my

wife Gloria and my name is Frank Tripoli, was there any reason why the two names couldn't have been put on the permit, and the fact of it is that I have to make my wife become a cab driver in order to do that, that wasn't the question either, nothing was said, they just said you can't, you see? Now what if the two of us wanted to drive this permit, well there is two shifts a day and night shift, right? And that never came up, they just said you can't, right?"

Commissioner Siggins: "I don't know, I can just take from 1976, it never came up in 76, it never came up before us."

Frank Tripoli: "I know sir, I would like my question answered, if there was a law saying two people couldn't."

Commissioner Siggins: "He just said that he thought the statutes were silent, that the ordinance was silent in that regard, but it was probably a policy, something that had been decided by the previous Commission against that."

Commissioner Ciani: "It is within the discretion of the Commission to establish a policy as to whether that kind of a transfer is permitted. Now it may be implied that the previous Commission in office at that time had such a policy, but I don't think we know that for certain. That is probably the answer to your question. It would have been legal for them to have such a policy."

Frank Tripoli: "Yes, well this is what it's all about, so I just wanted to inquire on it."

Commissioner Siggins: "Well, the Department has recommended against the allowance of these transfers, the ones that have come to us through the applications that have been accepted since the date of the election which was last Tuesday. Is there any other Commissioner who wants to do anything about that?"

Commissioner Ciani: "I would make a motion that we approve no further transfers of permits, the applications for which were submitted after the election and the voters approval of Proposition K."

Commissioner Siggins: "Is there a second to that motion? The motion dies for lack of a second."

Commissioner Sanchez: "Mr. Chairman, if I might,

through the Chair, I would like to ask a question of Chief Gain and maybe legal council from the City Attorney's Office. In your summation Chief Gain you say that San Francisco's enunciated policy, ectera, through Proposition K and then the request to transaction appear to be an attempted evasion of public policy but then the basis of this may perhaps be as you say or cite even though the provisions of the Proposition are not yet formally in effect. Do you have any idea on, or perhaps legal council does, when the actual provisions of the Proposition will be formally in effect, and basically what that would mean given these taxi transfers as so stated now?"

Chief Gain: "Approximately 10 days has been stated as the time when they will be in effect, 10 days hence when Prop K will take effect."

Commissioner Sanchez: "What about the provisions, however, because you mention even though provisions have not been formally in effect, basically you are talking about provision we have gone over, we got the letter...."

Chief Gain: "I am talking about all of Proposition K not being in effect."

Commissioner Siggins: "I spoke to Supervisor Kopp and he recognized the fact that there was no emergency clause in this legislation, and in effect wished that there had been, but it probably wasn't contemplated that there would be a rash of transfers...I mean applications once the thing was voted on, in other words, it wasn't contemplated a lot of people would just hold their permits and then see how Proposition K turned out and then come down here and try to transfer them before the effective date."

Mr. Diaz: "Mr. President, it should be quite clear that this Commission, this evening, has the same discretion it has had throughout it's duration to pass or not to pass on, favorably or unfavorably, on any application for transfer. Your power to approve transfers will only be terminated 10 days after the date of certification by the Registrar of Voters of the passage of Proposition K."

Commissioner Sanchez: "And so, in effect, that could be two weeks hence or less depending on...."

Mr. Diaz: "Well depending upon certification, a certification for which I understand has not yet been done."

Commissioner Sanchez: "Given part of the Federal Audits of some of the proposed violations as far as languages, and some of the election, and some of the precincts."

Mr. Diaz: "Commissioner, in regard to attorney levy's comments to possible legal challenges, there had been rumored legal challenges to this before the time it was drafted and submitted. The fact is, there is no legal challenges currently pending, there is no suit filed, if there.....to our knowledge, and if such a suit should appear we will, of course, respond to it and it will be the duty of the City Attorney's Office to represent the validity of the statute to the courts. Whether or not an injunction would issue against the effectiveness of the statute as adopted in Proposition K pending the resolution of that matter, of course, cannot be said to you this evening, either by the proponents of such a stay or by anyone else, because that would rest with the sound discretion of the Superior Court."

Commissioner Sanchez: "Okay, if I might ask one more question of legal council and then I will close. Therefore, given your interpretation having this review with Chief Gain, do you feel if the Commission were to take action whether it be positive or negative on the proposed taxi transfers, that this would not be a violation of Proposition K and/or whatever at this point, is that correct?"

Mr. Diaz: "Yes, our interpretation is that the Commission can approve any or all transfers before it tonight and if it chooses to disapprove on the basis that we have been discussing, that that would be lawfully sufficient."

Norman Loo: "Commissioner Siggins, if I might just .....apply my notes to one matter, in response to Commissioner Sanchez' inquiry, I was advised by the Registrar that they expect to certify it Monday, so it would be 10 days the day after. On the second point, I think that attorney Diaz could have stated it more positively, and that is that if the Commission approves the transfers, there will be nothing illegal about that either. The way he has been stating it all night is that you disapprove....."

Commissioner Siggins: "He stated that, I understand that Mr. Loo....."

Norman Loo: "He is not supposed to be advocating, but we are....."

Commissioner Siggins: "I understand, but it does have a....."

Norman Loo: "It's lopsided....."

Commissioner Siggins: "No, no, don't feel that way, but what do you feel about that transfer... idea of a transfer into a co-ownership of a family, that that would not extend the permit if.... say, we'll say if John Brown died two years after. Mary's still alive."

Norman Loo: "Commissioner Siggins, most of my clients have been transferring into corporations, as the Commissioners know. I, quite frankly, do not feel that I am able to respond to the Commissioner's inquiry, I think Mr. Levy has done substantial research on it. I am sure that what he has indicated to the Commission carries a great deal of weight. I don't want to mislead anyone, I really don't know the answer to that."

Commissioner Sanchez: "If I might ask one footnote again to legal council, therefore we can close, if there were a motion to approve and the Commission voted to approve, the council's opinion would be we would not be in violation of Proposition K, correct at this point?"

Mr. Diaz: "The Commission has full power and authority to approve any transfer that it deems appropriate this evening."

Commissioner Sanchez: "And Chief Gain, the justification given this expert witness of council and our attorneys on our Commission, I wonder if you could give me a better understanding of why we couldn't, or so move these transfers at this point?"

Chief Gain: "I never suggested that the Commission could not do so. My letter contains my position, and what it amounts to briefly in review is this, that after the passage of Proposition K numerous applications were made in our Permit Bureau, I learned of that, and then I entertained that matter as to our position and feeling of what should be done. I finally concluded in reading Proposition K, I came to the conclusion that the voters, the people of the City and County, enunciated the policy. That's what I state in my letter. So what I .....becuase of that, they enunciated the policy, I recommended to the Commission that the permits be denied because the people, in a word, have spoken. Now I am not arguing that the Commission can't do it, it seems certainly that you can, I merely took a position and made a recommendation to the Commission for it to entertain."

Mr. Diaz: "Mr. Commissioner, I would make one recommendation to the Commission and that is, legally,

I would have to advise the Commission that they should not act on all of these permits in block, it is said that they should be taken up under individual merits because to do so would be to deprive each individual applicant their right to be heard."

Chief Gain: "If I may to that point, again, what we are presenting to the Commission tonight is an issue and recommendation for you to entertain, and I would recommend that should you choose to enact upon those applications that they be calendared for next week, because these are the applications and the Commission has not reviewed them and does not have those applications before them. So it's a matter of what you want to do about the problem, the issue, and then each one would be calendared for next week as we normally do so. You would have an opportunity to review them, and then each party concerned would appear before the Commission as a separate item as in our normal routine business."

Commissioner Siggins: "Alright....."

Commissioner Sanchez: "Plus, you may also have others who are not here this evening and/or would be if they know, in essence, that maybe the Commission is going to take some action and if there is a meeting date announced, correct?"

Commissioner Siggins: "Well they....there is some problems in that and maybe Sergeant Calabro can tell you. They have to be published, after that the application has to be processed and then there has to be a legal publication of the request for permit and so....."

Chief Gain: "They would all have to be.....the applications would have to be made this week so that by Friday we could make the public notification for three days."

Commissioner Siggins: "Commissioner Ciani has made a motion to go along with the Department's recommendation, I have to say I would vote for that and would vote against a denial of these permits. I think they are applying now, or taking advantage of, not a quirk in the law, but I don't think anybody understood it. We worked against Proposition K, it's here, it's the will of the people, and I am going to vote for a denial of any transfers from here on in."

Commissioner Sanchez: "Mr. Chairman, just a point of clarification if I might, not having read my Roberts Rules of Order for a number of years, it seems to me that there was no motion before us, there was not a second, because there is not formal motion before us either pro or con in reference to this,

either we could have unlimited discussion, or whatever, but there was a, perhaps, attempted motion that died for a lack of a second. We were trying to get more information from both legal council and from Chief Gain, so in order to make sure that if a process were set up it would be fair and equitable, and I hope that that's part of what this Commission Hearing is about."

Commissioner Siggins: "That's right, but there is a policy that I would vote against the transfer and so I think it only fair to announce that until....have each one come up and have 40 applications and vote against them 40 times, we are trying to be practical about it, so that's the way I stand on it, if you think that's against any.....if I could second the motion from the Chair, I would."

Mr. Ray Levy: "If I may respectfully call to your attention Commissioner Siggins, you are losing sight of a very important matter that happened to occur coincidentally with the passage of Proposition K, and that was the passage of Proposition 13. It so happens that that is what has resulted in the applications which we have presented here, namely, notice of loss of employment by the son of one of the holders of a permit, who now sees fit to have his son work with him because of his loss of employment from the educational institutions of the state. So when you say that this is merely a means of evading the affect of Proposition K, I most respectfully say that there are other factors which we certainly shouldn't loose sight of."

Commissioner Siggins: "There are a million factors and I think we have gone along, and I as Commissioner, have gone along with the taxicab industry as far as we can, but come to the time now that Proposition J lost, Proposition K won, and I just have to take a stand that you don't like. And I think I am going to take it."

Commissioner Sanchez: "Mr. Chairman, if I might, having tried to listen as objectively as I can, and apologizing for my lateness at this meeting today, I would like to move that the Commission set aside an agenda for the next regular meeting pertaining to those that comply with the law as far as filing whatever for either approval, or denial, of taxi transfers, this would be my motion if there is a second, I will discuss further....."

Commissioner Sanchez: "Well I will tell you what happened Commissioner, the Department would continue without passage of the motions such as suggested by Commissioner Ciani, the Department would continue to take applications. So your motion doesn't seem to be necessary."

Chief Gain: "That's right, I presented a recommendation to the Commission which it did not act upon, therefore, we will go ahead and calendar all of these items in the routine course of business for the next meeting. It takes no direction from the Commission, that's what we will do."

Commissioner Sanchez: "And they would have to file like the three days notification, whatever, and at that meeting I think the Chairman has spoken and cited his feelings on why he would be voting against it, and I think in fairness to those who will be coming, no one knows what the Commission at that point will vote until such time as there is a second and then whatever, so...."

Chief Gain: "May I interject this, that I recall that we have a very protracted Hearing coming up next Wednesday and I think the duration of that could be from starting time of the meeting until midnight. I would suggest, therefore, the Commission might want to entertain a Special Meeting on Thursday."

Commissioner Siggins: "I would suggest that."

Chief Gain: "For the purpose of these permits."

Commissioner Sanchez: "Is it possible to move it to Tuesday?"

Chief Gain: "If I may, as long as we will do the best we can to make it known as long as anyone who wants to put in an application from tomorrow on, realizes the application has to be applied for in the Permit Bureau by Friday, say 12 noon, so that we can calendar and advertise. As long as that's understood, then it could be on a Special Meeting on Tuesday night. So the cutoff date for making any further applications would be on Friday about noon time so we could then make the 3 day required notice and so on."

Mr. Penz: "Commissioner, would we have time to make application and have a hearing on the 28th, if we added 10 days after the law you would have two Wednesdays to talk about it."

Commissioner Siggins: "I am not going to give a date as to when the law is passed, we are getting a hunchback opinion about, you know, when it will....."

Mr. Penz: "Mr. Siggins, assuming that it is done Monday, we would have plenty of time to get in, not

only the 21st, but also the 28th, and you would be able to handle all of those people who would like to make applications, so there is.....I don't think it is going to be restricted....you are going to have a meeting on the 28th, are you not?"

Commissioner Siggins: "Yes, we will have a meeting on the 28th."

Mr. Penz: "I think we would have ample time, if what the City Attorney, Mr. Diaz says that it would happen on Monday, that would still give us 10 days after that so that we would be eligible to make applications still for the 28th."

Mr. Ray Levy: "I would respectfully request that a Tuesday be avoided."

Commissioner Siggins: "Well, let me just say this, we....I think we would have to have more than one night for Hearing anyway, even just for the applications that are before us, because I am not going to go through any....even to vote....we are going to have to take them individually."

Chief Gain: "Yes, we have approximately 37, it's a substantial number but again I....."

Commissioner Siggins: "Mr. Penz, you anticipate ....you are looking then for more applications after Friday?"

Mr. Penz: "Yes."

Chief Gain: "Well if I may suggest, then, if we could calendar for next week these applications we have then we could continue receiving applications for the Commission to hear on Wednesday, the 28th, or some other date it chooses to do so at next weeks meeting."

Commissioner Siggins: "The Commission hadn't indicated that we are going to pass any of these applications."

Chief Gain: "I correct my language, act upon the applications."

Commissioner Ciani: "I might say I will also oppose. I will vote against any of these as they come up."

Chief Gain: "Okay then to restate, if I may, we

will calendar these applications for consideration at a forthcoming time designated by the Commission, in addition to any others that we receive during this week up until noon Friday, they will go out on public notice and thereafter we will continue to receive applciations, and then they will be calendared after appropriate notice in the papers,and soon. That's what Staff will do. But again, as far as next Wednesday with that protracted Hearing that is going to take place, I should think the Commission would have to designate one or more nights for a Special Meeting to entertain the applications."

Commissioner Siggins: "Alright, we will have to do that."

Commissioner Sanchez: "Yes, if I might through the Chair then, again, if we are just saying how each one of us may or may not vote, my major concern in a lot of these were resolved this evening by legal council and Chief Gain, was the fact that those of you who are here have a, perhaps, opportunity to present us with your proper forms and having had it reviewed by Staff and as long as we are within the law as so cited by legal council of the City Attorney's Office I would support that, but again, I think all of you have an opportunity to....you should have an opportunity to again given legal interpretation to make sure you do comply with the proper application process so at this point I am 10 A & F, but again the whole purpose is to listen to each case individually and to weigh our decision at that point and time, and I respect our legal council at this point and thank them also for coming this evening."

Commissioner Siggins: "Okay, but you know there is a box of applications Commissioner you can start looking at right now, you know.....Mr. Hoffman?"

Walter Hoffman: "Mr. Siggins, I have a question, will the Commission accept applications for sale?"

Commissioner Ciani: "Yes, if there is somebody who wants to buy it."

Walter Hoffman: "Somebody wants to buy it. Will the Commission accept an application?"

Chief Gain: "If I may respond, what the Department will do is act as it has in the ordinary course of business, and receive, and process all appropriate applications. That's what the Department will do and calendar those for entertainment for the Commission."

Walter Hoffman: "Is there any cutoff date Chief Gain?"

Chief Gain: "Well the cutoff date is going to be actually determined by the implementation of Proposition K and how many applications can be received, and calendared, and acted upon by the Commission between now and that date certain when K is implemented."

Walter Hoffman: "Is that the 28th of this month?"

Commissioner Siggins: "Now wait a minute, you haven't been paying attention, you got to start paying attention Mr. Hoffman. I say that....the .....it was a suggestion that it would be....It's actually, I think the Charter says that when the voters declare it official or when....."

Mr. Diaz: "Ten days after certification of the Registrar of Voters."

Commissioner Siggins: "Certification of....okay."

Chief Gain: "I think the answer to your concern is, if you are going to do something, do it."

Walter Hoffman: "I understand 10 days after certification, well it doesn't have to be this Monday."

Deputy Chief Mullen: "It may be three days after this Monday, we don't know whether it's today or tomorrow, whether or not it will be brought in."

Chief Gain: "Just do it as soon as you can."

Walter Hoffman: "Thank you."

Commissioner Siggins: "Okay, this was brought up Chief as a policy matter and we do have some other matters before us here tonight, do we not?"

Chief Gain: "Yes sir, we do. Again, I expressed our concern and put a policy matter before the Commission and that's all."

Norman Loo: "Am I to understand then that the first Hearing on proposed transfer of taxicab permits will be at the next scheduled Hearing of the Commission which will be on Wednesday?"

Commissioner Siggins: "No, the next scheduled Hearing is on the 21st and we will try to avoid them on the 21st, because we just don't have time."

Norman Loo: "Will the Commission be selecting a Special....."

Commissioner Siggins: "We will be selecting sometime after that."

Norman Loo: "I see, thank you."

Commissioner Siggins: "We will have some on the 28th, but if we have a.....if we need more time we are going to have to have them either on the 27th or 28th, probably."

Chief Gain: "The Commission intends at this time then to wait unitl our next regular meeting to decide?"

Commissioner Siggins: "Well, obviously, some will be scheduled for the 28th. We can't handle 37 on that day, huh?"

Chief Gain: "Well, right now we will calendar all of them for the 28th, absent some other direction from the Commission."

Commissioner Siggins: "Well, can we still wait until next Wednesday night, or do you want to go ahead and set some for the 27th now?"

Chief Gain: "If I may, I would respectfully submit if on a date next week the Commission can have a Special Hearing to entertain these permits, the Commission should do so, because it could be that that vote be certified tomorrow and time can toll and run out. I would suggest Tuesday or Thursday of next week for a Special Meeting to entertain the permits."

Commissioner Siggins: "Fellow Commissioners, I am available either day or will be through the night. What about Monday night?"

Chief Gain: "All of those on the list, which we have given you, could be done on Monday night."

Commissioner Siggins: "Alright, let's have it on Monday night."

Chief Gain: "At what time?"

Commissioner Siggins: "5:30."

Chief Gain: "Alright if I may, items 6 and 7 then will be before the Commission tonight or will they be deferred?"

Commissioner Siggins: "Yes, item 5 also, isn't that correct?"

Chief Gain: "And 5 also, but that's a different matter. 6 and 7 relate to this other matter. Will the Commission be hearing those tonight?"

Commissioner Siggins and Commissioner Sanchez: "Yes."

Commissioner Ciani: "Well you are not going to pass them because we....."

Commissioner Siggins:"Have you got something to do with this item 6?"

Norman Loo: "Yes, I do."

Commissioner Siggins: "Well, we are going to hear that tonight."

Norman Loo: "Pardon me?"

Commissioner Siggins: "We are going to hear that tonight."

Norman Loo: "You will?"

Commissioner Siggins: "We are going to hear that tonight. Call number 7 out of order."

Gary Moss: "Thank you Mr. President, Gary Moss appearing on behalf of Mr. Louis Roskie who was scheduled on item number 7, at this time we would like to ask for a continuance of this matter until Monday evening."

Commissioner Siggins: "Fine, okay."

Item #6 was also continued to Monday evening.

Gary Moss: "Thank you."

POLICE COMMISSION RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION VICE-PRESIDENT FOR THE BOARD OF POLICE COMMISSIONERS. (CONTINUED FROM THE MEETING OF JUNE 7, 1978) - CONTINUED FOR ONE (1) WEEK.

Commissioner Siggins: "We have been waiting for a full board and Commissioner Toler is tied up on Proposition 13 ramifications connected with the School Department, so we will put it over to the next meeting. Continued for one (1) week.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

790 CALIFORNIA STREET - CAL-STOCKTON APTS.

a) At 790 California Street, install a 22' white zone, to extend from 22' to 44' east of west building line.

b) Remove meter #Cal. 742.

550 BAYSHORE BOULEVARD - FLOORCRAFT IN.

a) At 550 Bayshore Boulevard, install a 44' green zone, to extend from 34' to 78' south of north property line.

400 PARNASSUS - STATE OF CALIF. AMBULATORY CARE CENTER

a) At 400 Parnassus, install a 22' Blue zone, to extend from 20' to 42' east of meter PRN #380.

1344 - 3rd AVENUE - STATE OF CALIF. AMBULATORY CARE CENTER

a) At 1344-3rd Avenue, install a 15' yellow

zone, to extend from south side of driveway to 15' south of same.

670-2nd STREET - CTS INC.

a) At 670-2nd Street, revoke 32' yellow zone, extending from north property line to 32' south of same.

b) At 670-2nd Street, install a green zone to extend from north property line to 32' south of same. Total 32' zone.

1484 CHURCH STREET - JEN COTTON GOODS

a) At 1484 Church Street, install a 22' green zone, to extend from south property line to 22' north of same.

401-30th AVENUE - S & E MARKET

a) At 401-30th Avenue, revoke 40' green zone, extending from 3' to 43' south of north property line.

405-30th AVENUE - S & E MARKET

a) At 405 - 30th Avenue, revoke 30' yellow zone, extending from 50' to 84' south of north property line.

99 UNION STREET - BOTSFORD KETCHUM INC.

a) At 99 Union Street, revoke 40' yellow zone, extending from 6' to 46' east of west property line.

1100 BATTERY STREET - COLMA DRAYAGE CORP.

a) At 1100 Battery Street, revoke 18' yellow zone, extending from 75' to 93' north of Union Street.

1100 BATTERY STREET - COLMA DRAYAGE CORP.

a) At 1100 Battery Street, revoke 21' yellow zone, extending from 28' to 49' north of

Union Street.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 181 feet of yellow and green zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 271-78

LOUISE E. LABAT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louise E. Labat against the City and County of San Francisco in the sum of $10.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 20, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 273-78

ITOY WANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Itoy Wang against the City and County of San Francisco

in the sum of $450.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 9, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

Commissioner Siggins: "I noticed on the Consent Calendar the retirement of Captain John McSweeney, and I might comment on the excellent work he has done in connection with the Internal Affairs Bureau. The type of person like Captain McSweeney in the Internal Affairs Bureau made me confident in connection withthe votes on the Citizens Complaint matter."

RETIREMENT

A communication was received from the Retirement Board officially notifying the Police Commission of the retirement of Captain John A. McSweeney, Internal Affairs Bureau, for service, effective May 1, 1978.

The communication was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 274-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $17,955 from G.L. 1100, Ad Valorem Tax, and credit it to the following appropriation:

Appropriation No. 8.161.900.000 Services of Other Departments Purchasing-Central Shops

Maintenance and Repair of Auto

Equipment

I.D.W.O. $17,955

to provide funds for new salary ordinance and increased retirement contributions.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 275-78

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY COMMANDER ROBERT C. SEGHY, FIELD OPERATIONS, TRAFFIC DIVISION, AT THE ANNUAL MOTOR VEHICLE LEGISLATION SEMINAR, AT NEWPORT BEACH, CALIFORNIA, FROM MAY 14,1978 TO MAY 17, 1978, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Commander Robert C. Seghy, Field Operations, Traffic Division, attended the Annual Motor Vehicle Legislation Seminar at Newport Beach, California; and

WHEREAS, Commander Seghy did travel to Newport Beach, California, from May 14, 1978 to May 17, 1978, inclusive., to attend this seminar; therefore be it

RESOLVED, that expenses in the amount of $190.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

WEEKLY SICK REPORT

		PREVIOUS WEEK
Daily average for the week sick	50	61
Daily average for the week disabled	94	92
TOTALS	144	153

This is an increase of nine (9) members off duty daily from the previous week.

Daily percentage for the week sick	2.68
Daily percentage for the week disabled	5.70
TOTAL	8.38

Disabled at the end of the week	94
Started during the week	20
Returned during the week	20
Disabled at the end of the week	94
Net Gain or Loss	0

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, MAY 3, 1977 AT 2400 HOURS:

Daily average for the week sick	94
Daily average for the week disabled	92
TOTAL	186
Daily percentage for the week sick	4.38
Daily percentage for the week disabled	5.52
TOTAL	9.90

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, APRIL 4, 1978 AT 2400 HOURS:

Daily average for the week sick	57
Daily average for the week disabled	88
TOTAL	145
Daily percentage for the week sick	3.11
Daily percentage for the week disabled	5.29
TOTAL	8.40

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report, Mr. President, members of

the Commission."

Commissioner Ciani: "I have a question. Chief, if you don't mind, could you give us an oral recap of the retirement situation and what kind of ripple effect it's going to have on the efficiency of the department?"

Chief Gain: "Yes, since June 1st we have had approximately 21 persons to retire, 6 of whom were captains. There have been lieutenants, and sergeants, and inspectors, and what occurs, of course, is that when 6 captains retire then we designate 6 lieutenants as temporary captains and right down the line, so that the net loss that we realize eventually is the loss of police officers on the street. That's the ripple effect."

Commissioner Ciani: "So you have had 21, is that all?"

Chief Gain: "It was 21 as of two days ago, now it's 27."

Commissioner Ciani: "And the number eligible for retirement, I recall, was something in the 90's, was it not?"

Chief Gain: "Right. 90 to 100."

Commissioner Ciani: "And you anticipate there will be further retirements."

Chief Gain: "Not attributable to the factor that we understand resulted in these retirements in the main. That was at that time the prospect of sick leave and vacation time which had been accrued being not paid in cash, but deferred. That now is a fact, that sick leave and vacation time which has been accrued will not be paid in cash, that they will not receive that cash payoff which can amount to up to 15,000 dollars for persons in....."

Commissioner Ciani: "In other words these who did retire got a cash settlement."

Chief Gain: "Now, now because of the Emergency Powers that have been inacted."

Commissioner Ciani: "So you don't anticipate that there will be any additional retirements."

Chief Gain: "Not for that reason, no, I don't think we will have this inordinate number again. Normally it is what, 90 a year?"

Deputy Chief Mullen: "About 10 a month."

Chief Gain: "About 10 a month on the average and we anticipate that will probably continue, that's our projection, just the normal 10 a month."

Commissioner Ciani: "But you will be filling these vacancies in the higher ranks, as permitted by the court I suppose, or is....."

Chief Gain: "Well, we have already done it. We issued an order yesterday and we have already designated Lieutenants to take the place of the Captains who have retired, and so on."

Commissioner Ciani: "Just temporary?"

Chief Gain: "Temporary."

Commissioner Ciani: "Is that subject to the Court's approval?"

Chief Gain: "Well, we notice the Court, we give them notice of what we are going to do because they are like/work, like/pay positions, so we notice the Court, we've done that. The appointments, non-civil service type of appointments for which I receive approval from the Commission, that requires a more formal authorization from the Court, and as soon as we can, incidentally, we will be requesting that the Commission approve 35 non-civil service appointments to the rank of Sergeant, and initially, thereafter, within a reasonable period of time, 25 more suchappointments followed by 25 more, because we have approximately 80 vacant positions in the rank of Sergeant, and some 50 vacant positions in the rank of Assistant Inspector, and as soon as we can, we also want to fill those. All those require Court approval."

Commissioner Ciani: "In view of the fact that you are going to end up with fewer at the Officer level, does that effect your judgment in filling all of those higher ranking positions right away? Would it perhaps be better to leave more people at the bottom?"

Chief Gain: "That is why I have not, heretofore, requested that we promote any additional persons

to the non-civil service position of Sergeant, and fill substantial numbers of vacant Assistant Inspectors positions, because I wanted to keep police officers on the street. However, at this point and time we have such a gross absence of adequate supervision on the street,we must promote these Sergeants, even though it is going to result in less crimefighters, as it were, in uniform. So for that reason, I didn't do it before and now I am going to do it because we have to have the supervision, now what will happen is that the Sergeants who are promoted will be, quote, working Sergeants, unquote, that is they are going to have to respond to services for citizens somewhat like police officers do. They cannot be soley out there just for supervision. We are going to have to have them do that."

Commissioner Ciani: "That makes sense."

Commissioner Murphy: "Could I ask a question?"

Commissioner Siggins: "Yes Commissioner."

Commissioner Murphy: "Thank you, how many vacancies will you be able to fill in spite of the Court decision? Is that on a limited tenure basis or on what basis will these Sergeants and Lieutenants and Captains be appointed?"

Chief Gain: "Not in spite of, in accordance with."

Commissioner Murphy: "I see."

Chief Gain: "To explain that, the City made an agreement with the Law Enforcement Assistance Administration in approximately May of last year to appoint minority group persons, protected class persons, to the rank of non-civil service Sergeants to equal that number of limited tenure Sergeants which we had appointed the previous year. We made on-going efforts to such appointments, we made nine such appointments and couldn't get any other protected class persons to take the position. At this time we have approximately nine protected class Sergeants non-civil service, and nine limited tenure Sergeants who were previously appointed, so those numbers are equal and we are going to confer with LEAA and say to LEAA, okay we are no longer bound to that condition because there are equal numbers. Then what we have to do is make a determination whether we should appoint non-civil service Sergeants on a one to one basis or what we should do, whether, for example, off the rank order of the information Sergeants roster. We have to determine that and get that cleared up. How it is going to come out right now, I don't know. Because one thing impinges upon,

that is the pending Consent Decree that is pending decision by the Board of Supervisors, whether they are going to approve or disapprove. That Decree contains a provision that there will be one to one appointments under certain conditions. We have to get that cleared up too. That's why I state as soon as we can we are going to make 35 appointments."

Commissioner Murphy: "And you are going to make them on the basis of Judge Peckham's order."

Chief Gain: "Not necessarily, because....."

Commissioner Murphy: "It seems to me you have almost enough vacancies to do it almost anyway you want."

Chief Gain: "Well, under the state of the law, as I understand it, now I can make appointments subject to the approval of the Commission and under any theory I want to, off of a rank order, off of a list, or one to one, or whatever it may be, that's my understanding and the Federal Court does not control that because Judge Peckham, at one time, had mandated, as I recall, one to one appointments but his action was stayed by a Federal District Court, which let me do it again, subject to approval of the Commission. Is that clear or have I made it worse?"

Commissioner Murphy: "No, you made....."

Commissioner Siggins: "Well, whatever plan you come up with, you have to go before the Court, come before us and then go before the Court."

Commissioner Murphy: "Now does that also include your limited tenure Captains and Lieutenants?"

Chief Gain: "No. They are not affected."

Commissioner Murphy: "They are not affected in any way so those would be straight promotionals. What about lists?"

Chief Gain: "We have no Captains list, we have no Lieutenants, so we are appointing based upon seniority, in this case, in my judgment, seniority equating with experience, and demonstrated performance, and potential to fulfill the position in the absence of documentation that a person cannot fulfill that position."

Commissioner Murphy: "Yes, I have another question and then I will stop. But what kind of training are you planning to give these persons that you are promoting now, will we have any facilities for really giving them any training?"

Chief Gain: "The lieutenants for example, most, if not all of the lieutenants have received training. We have had just recently a management course for them where all lieutenants went through the management course which we put on, so that's been done. At the Sergeants level we have had some schooling, but we are going to have to have more specific management type sessions for them as they are appointed."

Commissioner Murphy: "And supervision and that sort of thing, yes, thank you."

Commissioner Siggins: "While we are on the Chief's report, I was going to suggest to the Commission that at the hearing next week we eliminate the.... well they have asked for a public hearing on a disciplinary matter, open hearing, and I am going to suggest that we do away with the TV while witnesses are testifying."

Commissioner Ciani: "Well, does that apply to other electronic media....."

Commissioner Siggins: "I don't mind the others, I just think that the TV is disrupting and inhibitive to a better running of a disciplinary hearing, whether it's public or non public."

Chief Gain: "Well, if I recall, that is consistent with the previous stance of the Commission."

Commissioner Siggins: "Well they asked for it, and I don't think we have made a ruling, and I think we should tell them now. The Department opposed television last time, but I think it was at the choice of the individual Prosecutor."

Chief Gain; "If that is the direction of the Commission, then we will so inform the electronic media."

Commissioner Siggins: "Mr. Hamblin?"

Jim Hamblin, KCBS: "The City Attorney recommends that you review the statutes of Government Code 6000."

Commissioner Siggins: "6090, yes, I think I did look at it the last time."

Jim Hamblin: "You can control the lights."

Commissioner Ciani: "Do the cameras work without artificial lights?"

Jim Hamblin: "I think they will."

Commissioner Ciani: "Do you recall what that section says?"

Jim Hamblin: "It says you can control the use of auxillary lighting by television cameras."

Commissiner Siggins: "You mean it was worded that way so that the burden then shifts to the television camera men to show that the lights were not....."

Jim Hamblin: "Well, I think that the purpose of the code was to authorize the limiting of the lighting."

Commissioner Siggins: "Yes, I see what you mean, like they have little special rooms at the UN that's up in a corner there and they don't distract. Okay, well we don't have that around here."

Commissioner Ciani: "Are you saying that we can't limit cameras?"

Jim Hamblin: "Well, I think maybe that the legal interpretation refers to administrative bodies, unless that's an esoteric meaning."

Commissioner Siggins: "Well, let's say this, we are going to have a Meet and Confer session tomorrow evening and why don't we get some....."

Chief Gain: "If I may Mr. President, we wanted to convey the request of the Police Officers' Association to cancel that Meet and Confer session for tomorrow night, because they are otherwise engaged in Jarvis Gann matters, and so on. They request that we do not have that meeting tomorrow night."

Commissioner Siggins: "Yes, okay, but I wish they had asked...that it didn't come up at this late hour."

Chief Gain: "Really, it did Mr. President, because what has not been known as when the special select

committee to the Board was going to act, would actually take place as far as the line item budgets. That's not been known and they still have not done it, now I understand they will start doing it tomorrow and go through tomorrow evening."

Commissioner Siggins: "Alright, let me ask you this, why don't....even before we even schedule another one, define the issues as far as that... that particular Meet and Confer session? I mean you have done it with the Bar Association, you have done it with the proponents of the idea and they did not oppose it before, and if they are going to oppose it now, why, where, and in what areas? Because there haven't been that many modifications."

Chief Gain: "We will attempt to do so Mr. President, my understanding is the reason they didn't oppose it last time, may be wrong, but I understand that they anticipated someone else would take exception to the things that they wanted to take exception to, but when that other person....party didn't take exception, it went through. We will try to do it."

Commissioner Siggins: "You mean there are other organizations or individuals outside of the POA that have the same feelings that they do?"

Chief Gain: "Last time it was anticipated that there might be and they acted upon that but we will try to define the issues,if they are willing to do so."

Commissioner Siggins: "Next item."

TRANSFER OF LIMOUSINE PERMIT - (CONTINUED FROM THE MEETING OF MAY 31,1978) - APPROVED.

The matter of the transfer of the right to operate a limousine by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were represented by Mr. Jim Klapp, attorney at law. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a limousine to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bonds and/or insurance policy as provided by the Police Code:

TRANSFEROR	TRANSFEREE	NO. OF PERMITS
James E. O'Connor 72 Merced Avenue San Francisco Ca.	Elite Transportation Service, Inc. 323 So. Canal Avenue South San Francisco, Ca.	1

AYES: Commissioners Ciani, Murphy, Siggins

NAYS: Commissioner Sanchez

NOT VOTING: Commissioner Toler

RESOLUTION NO. 272-78

POLICE COMMISSION RESOLUTION REQUESTING THE CIVIL SERVICE COMMISSION TO HOLD A CIVIL SERVICE EXAMINATION FOR THE RANK OF CAPTAIN AS SOON AS POSSIBLE - APPROVED.

WHEREAS, there are six permanent vacancies in the rank of captain (a 23% vacancy factor); and

WHEREAS, there is a need for stability and continuity in personnel assigned to management positions in the police department; therefore be it

RESOLVED, that a letter be sent to the Civil Service Commission requesting that they hold a civil service examination for the rank of Captain as soon as possible.

AYES: Commissioner Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

The Commission then adjourned its meeting at 2040 hours.

SECRETARY

19 JUNE 1978 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Monday, June 19, 1978 at 1730 hours in Special Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

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APPOINTMENT OF VICE PRESIDENT OF THE POLICE COMMISSION

Commissioner Sanchez: "Mr. Chairman if I might, I would like to comment upon an item for Wednesday's meeting for which, unfortunately, I will not be here, and the only reason why I am bringing it up at this point for committee recommendation is the fact that this is the first time that we have had all five of us here in quite awhile. And what I would like to do is the second item for the regular scheduled meeting, which is on the Vice President, which is on the Police Commission's resolution pertaining to the appointment of Vice President, given clear review and discussion at various meetings, I would like to move at this time that it be tabled."

Commissioner Toler: "I would second the motion."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

TRANSFER OF TAXICAB PERMITS

Commissioner Ciani: "I would like to suggest that we have some preliminary discussion before we start handling these transfers. Are there transfer fees being charged for these proposed transfers from individuals into joint tenancy?"

Sergeant Calabro: "The filing fees at the Permit Bureau are being collected, the matter of a transfer fee is a Tax Collecting Licensing Bureau issue."

Commissioner Ciani: "Is that being collected in the case of these transfers, or would it be if we were to approve them?"

Sergeant Calabro: "I would say that there is argument as to whether it will, or will not be. It is not within the purview of the Permit Bureau to answer that question, that matter would have to be discussed with the Tax Collector of the Licensing Bureau."

Commissioner Ciani: "Is there anyone else here who knows?"

Deputy Chief Mullen: "Commissioner, I did talk with a member of the City Attorney Staff and it is his personal belief that, and this is purely personal, he cannot cite any authority for it, that people who are going into partnerships in effect, say a man who is going to include his son on the permit, that half of the transfer fee, I believe it's a thousand dollars, would be appropriate. However, he could not cite any legal authority to require that."

Commissioner Ciani: "Thank you."

Commissioner Siggins: "I think he would be looking for a long time and have a lot of trouble citing....."

Commissioner Ciani: "Well, isn't it likely that if it's deemed a transfer so that we would have to approve it that it would be a transfer for purposes of collection of the tax too? I am just wondering whether the people who are here to seek these transfers anticipate paying a thousand dollar transfer fee or not."

Deputy Chief Mullen: "They have been told that they will have to pay that and the precedent is there in people that have incoroporated. They have been required to pay that transfer fee."

Commissioner Siggins: "I see the....It's a fair transfer in connection with the transfer from an individual to a corporation. But there are some precedents for not charging a transfer fee where there is an inter-family transfer. I think that comes from another section of the code. I couldn't cite it to you, but I know that from the past some people have gotten by without it. Do you know the section Sergeant?"

Sergeant Frazier: "Yes sir, it is Section 128 of the Municipal License Code."

Commissioner Ciani: "What does that section say?"

Sergeant Frazier: "Well, I couldn't quote it Commissioner, I could go to the office and get it."

Commissioner Ciani: "Is there authority that there is no fee assessed for inter-family transfers as such? Is that what it says?"

Sergeant Frazier: "Well it does not say that, the section speaks of persons dying, testate or intestate, and leaving the permits to spouses or minor children."

Commissioner Ciani: "Okay, well the reason I asked that question is that the City Attorney made some comments here last week which, I think, appear to be sound. It was his opinion that if an individual transfers to joint tenancy or partnership when either of the partners dies the transfer from that persons estate to the other partner, for example, would be a transfer so that it would cause the permit to be revoked under Proposition K. We discussed this last week and it seems that if you accept that, it isn't going to be effective to increase the life of a permit. It may indeed reduce the life of a permit if the new partner happens to pre-decease the present owner. Not only are you not accomplishing anything but it may also be costing a thousand dollars to go through a futile gesture. I just wanted to be sure that that point was made because some of the people here might not have been here last Wednesday. Mr. President, I don't remember whether we decided if we would deal with the joint tenancy at all. Did we make a decision about the fact that there is no real precedent for permitting it?"

Commissioner Siggins: "There is no precedent for permitting a transfer from one individual into joint ownership or co-ownership."

Commissioner Murphy: "Wasn't the question also this, that there is no precedent for having the permit in two names? I think that was one of the issues. I thought we did decide last week but I could be wrong, that we would consider each case and on the basis of a variety of factors:

In going over each one of these I tried to note the amount paid for each permit as sort of a criteria for the co-ownership. Was it $7,500 dollars which was the price established by the City and County of San Francisco or more?

The length of time the permit has been held. The ownership being attested as being a spouse, or son, or daughter, or a parent.

Then if there was some evidence, and there was in some of these, that it was clearly not a transfer for speculating purposes but rather a move to establish co-

ownership for purposes of protection just as one puts their home or stock into joint ownership. So with those in mind, some of these request fit, and some don't, but essentially those are the salient factors I saw."

Commissioner Ciani: "I wanted to make the same motion that I made....."

Commissioner Siggins: "What we had last week Commissioner Murphy was a motion that none of these permits be transferred where applications were made after the election date, June 6th, and that motion died for lack of a second. In other words.....and I stated that I would be voting against any transfer and the motion was made by Commissioner Ciani, and so I assumed it would have been two votes one way and two votes the other way, but at the present time we continued the applications for transfers and now that you have gone over them and you see different criteria there, that there is still a basic threshold issue that these applications were made after the voters approved Proposition K, my position is that it is the will of the people that these things should not be transferred into co-ownerships, should not be transferred into partnerships, it should not be transferred into corporations, and there should not be any more transfers of these permits. And that's what the people want by Proposition K."

Commissioner Toler: "Mr. President....may I ask the Chief a question before we move on to a motion, as far as the procedures, the requirements, and as far as the bureau is concerned, and as far as the permits, have they met with your approval to be transferred?"

Chief Gain: "As to form, yes, complying with the procedures that are prescribed in the oridnance as to form."

Commissioner Toler: "Now do I hear President Siggins saying that because of the 6th, that was the day of the election in which the vote was taken and approved by the citizens, that there would be no more transfers? Are we penalizing these people for that...because of that?"

Commissioner Siggins: "No, these people....first of all there are some people who have wanted to transfer into a corporation that they generally control. They could have done that before June 6th, and they did not do it, they selected not to do it but to wait and see what the results of the ballot were. However, it's an idea now that they have. They cannot get a permit once the effective date of this legislation, cannot get a permit AKA in the name of any corporation. The thrust of the legislation is

that we give permittee drivers....preference to drivers to get permits. Now that's for the corporations, the other people who want to transfer to other members of their family are asking for something after June 6th election day, something that we have not done in the past. We have not given a permit to somebody who wants to drive their cab, for instance, and their daughter whether it's a minor daughter, or 18 year old daughter, or somebody whom they care for, or to their wife, or anything else. We haven't done that. And then thirdly, there is an application for a simple transfer before us here tonight, a jitney."

Commissioner Murphy: "Could I point out Commission Siggins that on these incorporations the only ones that we have here, there are several of them, some of the papers were taken out as early as 2-17-78, 9-2-77, 6-8-78, and so on, so the attempt was made for some of them considerably before the election."

Commissioner Siggins: "Well, you're talking about two different ones here, I......."

Commissioner Toler: "Mr. President, if they are doing something illegal I am concerned about that, if they are within the law I am for it, also, and I think that this is something to be concerned about. I see no different from this than a person who has to pay his income tax about April 15th and they all rush to make sure they beat the deadline. Now they have met the deadline by coming tonight for this transfer."

Commissioner Ciani: "Can I make my motion and then I will be quiet......."

Ray Levy: "Before the motion is made, may I correct the President, Mr. President I....."

Commissioner Siggins: "I recognize you but....go ahead."

Ray Levy: "Yes, I am not critizing your views because I know that you did stand for the cab view but nonetheless, on March 15th, by unanimous vote including yourself, it was agreed and passed and permitted for a family co-ownership to take place wherein William G. Lazar and William J. Lazar became co-owners of one of the permits. I have the records check and I find that those who have voted for it was unanimous, was yourself, Ciani, Murphy, Toler, and Sanchez unanimous, and I would ask you to re-check, if you desire, of those minutes to verify the accuracy of that sale."

Commissioner Siggins: "We did not vote on the basis of co-ownership, we are prepared to say that Mr. Levy. And if the record stated it that way, that was the exception that the City Attorney stated the other day, that was presented to us as something that came out of the court out of the marital problem, now look Mr. Levy you can shake your head as much as you want but I was here and sat here and....."

Ray Levy: "Well what had actually happened sir was this....."

Commissioner Siggins: "Were you here?"

Ray Levy: "William Lazar and Ann Lazar did, in fact, have a marital problem and Ann Lazar's name was cleared and they accepted....."

Commissioner Siggins: "Were you here at the time it was presented to us?"

Ray Levy: "I happen to know the facts, no I was not here."

Commissioner Siggins: "Well, okay, but it wasn't presented to us as this being a co-ownership, it meant, it was told to us, it was tied up in a court order and we were accommodating Mr. Lazar at the time, as we have accommodated Mr. Lazar many, many times at this Comission to get something straightened out for him, we did not intend to put it in a co-ownership."

Ray Levy: "Well, all I can say is that that is the way it is now."

Commissioner Ciani: "If you will excuse me now, the reason that I brought up the question of the transfer fee and the probability that a transferring into a partnership is going to be a futile act is just to lay the groundwork for a substantive motion. I personally think that when the voters have voted for a law, even if you don't particularly like it [an attempt from audience to interrupt] When I am finished please,that it's incumbent upon public officials to abide by the letter of the law. In this case, there is a hiatus in which, technically, these transfers are still permitted. However, the decision has been made and I think to answer Commission Toler's question, it's not a matter of penalizing these people if we were not to make these transfers, but of preventing them from attempting to take unfair advantage of the law. I would be more concerned about all of the people who haven't been able to rush into the door in time (if there were any advantage) but, I don't think there is any advantage, because the death of one partner, according

to the City Attorney, is going to cause revocation of the permit. In the spirit of Proposition K as the voters have approved it, and I personally didn't vote for it, I would like to move that this Commission not take action on any application which was received on or after the election."

Commissioner Toler: "May I speak here? What is the effective date of Proposition K, the 6th, the date the vote was taken?"

Commissioner Ciani: "Ten days after the ballots have been certified by the Registrar of Voters, does anyone know what the date of certification is?"

Ray Levy: "It hasn't been certified yet."

Sergeant Frazier: "I had word from the Registrar of Voters that it was to be certified tomorrow morning."

Commissioner Sanchez: "Through the chair if I might just ask for a point of clarification, it seems that at our meeting of last Wednesday when we had the legal council from the City Attorney's Officer, he, in essence, cited that it was up to the discretion of the Commission given his legal interpretation that, and Chief Gain's can re-inforce the fact, that the forms themselves have been valid as reviewed and this is the question I think at this point, and then also at the last meeting where there was a quote motion dealing with the same substantive issue,unquote. Again the clarification of legal council was that until such time as there was an actual certification which would be 10 days after the actual certification and that will be the day whereby the law would take effect so,therefore, it was left up to the Commission on deciding this. As Commissioner Toler was not here at that last meeting and some of these ideas were kicked around at the last meeting that is why we are here this evening."

Commissioner Ciani: "Well, there is no question that it is within our discretion to deal with these or we wouldn't be here tonight, but I think it is also within our discretion as a matter of policy to decide that we are going to be ruled by the will of the electorate regardless of the technicality of the time lapse."

Commissioner Siggins: "The example that we used last week of John and Mary Brown seeking the transfer of a permit that was in the name of John Brown, John Brown has been a taxicab driver for thirty years and has had a permit for 30 years and he transfers it to

John and Mary, Mary is 15 years younger than John, and Mary, if the transfer goes through, and Mary dies under the opinion that was given by the City Attorney last week in which he told us that it had been discussed in the office with four different attorneys in the office who are cognizant and aware of the transfer laws, said that that permit would expire. And so then....you can shake your head Mr. Penz, but....."

Mr. Penz: "He didn't say that."

Commissioner Siggins: "Yes sir, he did."

Mr. Penz: "You were talking about article four and section four and now you are talking about section 5."

Commissioner Siggins: "This was the opinion of the City Attorney and I have to say I listened to him, and maybe I talked to him, or heard him explain it both inside and outside of the Hearing room, and that's his opinion. And, so we are actually saying here that these inter-family transfers, according to the City Attorney, are not going to accomplish what the applicants intend it to accomplish."

Commissioner Toler: "Mr. President, would you tell me what we can do or cannot do, what is legal or illegal?"

Commissioner Siggins: "Well, (inaudible) transfer some things into corporations, and we have done that in the past, we have done that before, and the will of the electorate was expressed on the 6th, we are also being asked to transfer individual permits, I mean permits being held by individuals into more than one member of their family, and I maintain that we have not done it in the past which Mr. Levy brings up one instance to be used as a precedent, but I assure you that was discussed at the time that we voted on it that night and I am not saying that Mr. Lazar put anything over on us, but there was a transfer to be certain to his son's name as William Lazar also and we did....we discussed it as coming out of the divorce court. The main fact.....(inaudible)."

Patricia Voulgaris: "Mr. Siggins, I think you know me by name, my name is Pat Voulgaris and I have talked to you on several occasions, and I have told this gentleman, my husband and I bought a cab, we put both our monies in it, we both signed the note and my name is on the pink slip, now if something should happen to my husband I am still responsible for the $10,000 dollars, yet the cab will go back to the City. How do you expect me to pay for this?

Now when I spoke to you prior to June 6th, you advised me not to try and put my name on the permit at this time and see how J and K went because you told me you thought J would pass. Then I talked to you the day after everybody voted and you said go ahead and try and get your name on it and have you filed your papers, and I said I will be down immediately and I'd file. He has filed,my husband is a mechanic, I drive a cab, I am in my fifties, my husband is too, how am I going to live if something happens to me, you want me to be responsible for the $10,000 dollars, yet you want to take this away from me. I don't know why the permit can't read William or Patricia Voulgaris."

Commissioner Murphy: "I agree with you about the Lazar transfer, it was done completely because of a court situation, however, we have transferred many of these permits into corporations, and each one of them you have specifically, and carefully explained the one you don't know whether it is going to do any good or not and we still don't know.

I think at least that is a matter for the individual to make up his mind about and not for us to decide for him.

I heard Steve Diaz and I know there may be a serious question about it but there is always two sides to every court case, and there are always two attorneys that can give you two different opinions. I think that we should go ahead and grant these where it seems appropriate after carefully analyzing each one, and that I have done.

I don't think all of them should necessarily be, but I think certainly, some of them should be allowed. Then a court will becide if it isn't any good, or if it should be rescinded, I don't know, it may be the wrong way to do it, but at this point it is legal. It's a chance also for people not to lose thousands of dollars of investments. I don't know whether it will work or not, and I don't think anybody else really does."

Commissioner Ciani: "It isn't a very complex legal question and I doubt if you will find any attorneys who will differ on it. As to putting title in the disjunctive, it's legally impossible. You can't say that the title will reside in A or in B. That just simply can't be done. I don't know of any lawyer who would question that. As to Mrs. Voulgaris, in your own situation if you follow the example that Commissioner Siggins gave, if your husband were to die after this is put into both of your names it would make no difference, but perhaps you might predecease him, in which case he would lose the permit."

Patricia Voulgaris: "Excuse me, if it was in William or Patricia....."

Commissioner Ciani: "That is what I was saying before,

that's the disjunctive case, you really can't put title in one or another, I mean it is legally impossible to have title vested in that way."

Patricia Voulgaris: "Excuse me, since it has never been done before and there is no precedent set....."

Commissioner Ciani: "What has never been done before is to put title into two parties in joint tenancy which means that each has an undivided interest in the whole. And what you are talking about is we don't really know where title is until somebody dies and all of a sudden you say it's in the other guy. You can't do that."

Patricia Voulgaris: "Well we have a better chance if it says William or Patricia....than....."

Commissioner Ciani: "I know, but that's something that we haven't got discretion to do."

Patricia Voulgaris: "Well we can try."

Commissioner Ciani; "No, we can't do that, we can't legally, because we are not making a transfer that makes any sense if we do that."

Patricia Voulgaris: "Mam, let me say this, this is the United States of America and we can do anything in this country if we want to do it legally. We don't live in Russia or Red China."

Commissioner Ciani: "No,this would not be held legal by a court, there is no question....."

Patricia Voulgaris: "We can try, you see you have no answer for me when I say, if this permit would have to go back to the City and I still, or my husband still has the responsibility of the $10,000, this was expected, we signed our note together. Now what happens....."

Commissioner Ciani: "I am sorry, there isn't any answer to that."

Patricia Voulgaris: "Well we need to make an answer, don't we....."

Commissioner Ciani: "Well the voters gave you their answer, unfortunately."

Sam Alhadeff: "My name is Sam Alhadeff and I attended all the meetings at the Board of Supervisors and I can remember one day when Mr. Quentin Kopp said, we will give you back your money if you want. Fine, I have 12 permits, I have given the City and County of San Francisco $20,000 dollars, I owe $95,000 dollars and my house is in hock. Now, do you think this is America where a man goes and fights a war for 10 years in the service and this is the way the country treats him? This is not a democracy, this is a dictatorship. If Mr. Quentin Kopp wants these permits that bad just give back what I paid for them and I will be more than happy to give them back to him."

Commissioner Siggins: "Now you talk to Kopp about that....."

Sam Alhadeff: "That is what he said Mr. Siggins."

Commissioner Siggins: "Alright, alright, you know what.....we're dealing with a different issue right now sir, we're dealing with the law as it is, and the laws as the people asked it to be and, basically, voted for an Ordinance that said all taxicab permits and other vehicles for hire issued by the City and County of San Francisco are the property of the people of the City and County of San Francisco shall not be sold, assigned, or transferred. You were here on June 6th when that was put into effect and if you are going to attack it some other way constitutionally, or not, you don't do it here. And we don't need that type of a speech, we are trying to work out some problems here."

Sam Alhadeff: "Mr. Siggins.....Mr. Siggins."

Commissioner Siggins: "Yes."

Sam Alhadeff: "Mr. Siggins, as far as I am concerned to me you are one fine gentleman, and I have the utmost respect for you Mr. Siggins. Truly and honestly speaking to me you are a gentleman, but what I am trying to say is, just because 99% of the people have voted for Proposition K, they didn't even know what they were voting for, that's number one. Number 2, Mr. Quentin Kopp gets on the TV and on the radio and I could tell you the station, and I could tell you the time, and says, 'we are going to lower fares if Proposition K goes through,' now that wasn't right Mr. Siggins, because strictly, this is strictly a political deal between Mr. Moscone and Mr. Quentin Kopp. You know it, and I know it, and everybody else knows it."

Commissioner Siggins: "Well, how many permits do you have? You want them transferred to your mothers name and your wife?"

Sam Alhadeff: "Who me?"

Commissioner Siggins: "Yes you."

Sam Alhadeff: "I have been in the taxicab business for 30 years Mr. Siggins. I have never sold a permit since I have been in business. I am not looking for no lucrative windfall profit. I have worked for 38 solid years and I've suffered, and I borrowed money, and put myself in hock to protect my wife and children, if that's a sin and a crime, I don't know what it is Mr. Siggins, thank you."

Commissioner Siggins: "Well I am just talking about your pending transfers now."

Sam Alhadeff: "I am just transferring them to my children. I am not looking to sell a permit. And I can't see why I should pay a thousand dollars where the City and County has already gotten eleven from me."

Commissioner Siggins: "Pardon me?"

Sam Alhadeff: "The City and County of San Francisco has already gotten eleven thousand dollars from me in transfer fees and I don't see why to be able to transfer for my child I have to pay another thousand dollars, I think it is undemocratic, thank you sir."

Commissioner Murphy: "Could I ask you is there a difference that you kept talkling about Patricia or John whatever his name is, as contrasted to Patricia and John, what is the difference between that, because I know there are many things that are held in joint tenancy, such as homes, and cars, and that sort of thing. There is a difference if they wanted it to go to John and Patricia it would be perfectly legal is that correct?"

Commissioner Siggins: "Right."

Commissioner Murphy: "Whats wrong with it other than the issue that it's after June 6th?"

Commissioner Siggins: "The fact is that people have not been doing that because the prior Commission did not allow it."

Tony Hui: "Mr. Siggins my name is Tony Hui, I came to this country about 5 years ago and about 3 years ago I bought a permit that cost $22,500 dollars and that's my really life savings,and how do you feel

at $22,500 because Proposition K won...they voted for it, because I must say to you, I don't think it is fair, and I am just getting my citizenship this year, so I don't think it is fair because.... (inaudible)."

Commissioner Sanchez: "Mr. Chairman, I believe there is a proposed motion. If there is a second to that motion, I would hope that the second would come forth and we would proceed on, and if not, I would move that we move the agenda and get on to our business here."

Commissioner Siggins: "Well, Commissioner Ciani did you make the motion?"

Commissioner Ciani: "I made the motion."

Commissioner Siggins: "Is there a second? (no response) Okay, the motion dies for a lack of a second. Now, are there any other motions?"

Commissioner Murphy: "I move that we consider those applications that are transferring from an individual to a corporation, just as we have all of the other newly formed corporations, that is if the papers are in order. I have gone through them and I think they are."

Commissioner Siggins: "This motion is to consider them individually?"

Commissioner Murphy: "No, I suggested we consider as a group, those applications we have before us. That is the ones transferring from an individual into a corporation.

They are...let's see, I think Tony... no David Chang I believe is the first, no I beg your pardon, Kenneth Barbieri to Kenneth Barbieri Incorporated and David Chang to Changs Incorporated, Tony Gor to Tony Hui & Co. Inc., Tony W. H. Hui to Bernie Hui Incorporated, Howard M. Jew to Howard Mock Jew Inc., Ken Keung Lee to KKL Cab Co. Inc., and I believe that's all we have on this....."

Norman Loo: "You didn't mention number one."

Commissioner Murphy: "I beg your pardon?"

Norman Loo: "There is number one, Robert Lim."

Commissioner Siggins: "That was carried over from last week."

Commissioner Murphy: "Yes that was carried over from last week, yes I am sorry, yes that was carried over."

Norman Loo: "Thank you, Commissioner."

Commissioner Murphy: "These I think we can dispose of since I believe the papers are all in order on them."

Commissioner Sanchez: "Or through the Chair if I might ask Chief Gain or the Deputy Chief Mullen. These that have been pulled out of the cluster here, all of these are so decided have been reviewed by the Police Department as far as the validity of forms and it's your recommendation that these be approved by....."

Chief Gain: "As to form. We are impressed, if I may submit it, that they should be acted upon individually though."

Commissioner Murphy: "Okay, I thought maybe just to save time they had their Incorporation papers and everything, I thought maybe we could do it that way."

Chief Gain: "it is up to the Commission the way it chooses to act of course, and it seems to me our impression is that that they should be acted upon individually, though, rather than as a group."

Commissioner Sanchez: "Okay, then if I might ask again, Chief you and your staff have reviewed thoroughly these applications that we have before us this evening, and, therefore, it is your recommendation that we review each candidacy separately, and those that have complied fully you will so state to us so this Commission might act or not act,right?"

Chief Gain: "Yes, yes."

Commissioner Sanchez: "Alright, perhaps Sergeant the first candidate....."

Phil Rancatore: "My name is Mr. Phil Rancatore, I think you know me, I came around because I wanted to take my wife into....now I turned around and I own the colors and the name, City Cab. Is that included that I should be in the Corporation, I own the colors, I own the name of City Cab, how does that work out? Another question I would like to ask you, and maybe you can answer it for me, it's this non-transferable, is this a law or a police policy?

Is that in the law that you can't do it or a police policy? I understand it's a police policy because in case of a violation they want to be able to find out where the violation comes from, who is in charge of it."

Commissioner Siggins: "I don't understand you Mr. Rancatore, but....."

Phil Rancatore: "I understand that they won't transfer for the simple reason in case of violation in the cab companies they want to be able to know who they can pick on....."

Commissioner Siggins: "Are you talking about transfers tonight or transfers under the ordinance that.. ...."

Phil Rancatore: "Well, I thought if there is a transfer I am trying to put my wife on it....."

Commissioner Siggins: "Yes, well we don't have that before us now, Commissioner Murphy has made a motion regarding transfers to corporations, and that's what we are going to take up right now."

Phil Rancatore: "Well, just....I wanted to know now is that....can I....mind are under DBA City Cab and I own the colors,I own the name, how does that work?"

Commissioner Siggins: "Well, I don't know, how does it work....."

Phil Rancatore: "Well can they be transferred, that's considered a corporation due to the fact that I own the name and the colors?"

Commissioner Murphy: "Are you incorporated through the Secretary of State?"

Phil Rancatore: "Well, we was, but now, I think they have turned around and put it under taxi to the TSI which is Taxi Service Incorporated."

Commissioner Siggins: "I think you better talk to a lawyer Mr. Rancatore, bring all of your papers with you."

Phil Rancatore: "Okay, thank you."

Commissioner Murphy: "I would like to withdraw my motion, it hasn't been seconded anyway, about the Incorporations as a group and go immediately into the first one of the individual co-ownership requests. The first one is Mary Adams and Karin Adams, a mother and daughter, the permit is number 958, it's been owned since May 24th 1972, it was received in a divorce settlement in 1972 from her husband who had held it since 1949. The value in 1972 was $30,000 and it seems to me that this is a reasonable sort of change of ownership of the permit, I won't say transfer because I don't know whether it's a transfer or not...but I think it should be okayed at this time."

Commissioner Siggins: "Well Commissioner Murphy, where do you get that figure of $30,000 dollars?"

Commissioner Murphy: "From the application."

Commissioner Sanchez: "Or, through the Chair, I would just like to sort of clarify my own head as to how we are going to operate on this, it is my understanding that the Chief and Deputy Chief of the department have reviewed the package and have a list and therefore would go individually, and would recommend them to the Commission as they came up and then we can discuss each case at that point, and if there were any questions, either pro or con, and if there was a motion for approval on each application in case that motion would be seconded, and go if that's the way it is. Is this clear, or am I not listening correctly?"

Commissioner Siggins: "Tell me what you said... the Chief....the department has gave us some applications, has checked out the people who are supposed to be the transferees, and has gotten their health certificates, and those things, but they have not asserted any discretion other than that."

Commissioner Sanchez: "All I am saying is that, in essence, they have a list of permits, on a rank number, and I would assume that we go right down the list as is in the normal agenda and as each one comes up we would vote on it if there is a motion, and a second, that's what I am asking for, is that the procedure?"

Commissioner Siggins: "Well that's what Commissioner Murphy started because I think she has a list....."

Commissioner Sanchez: "Oh I am sorry, I didn't look at this, I was looking at this here June 19th, are we going on the question and answers on this one Sergeant or....."

Commissioner Murphy: "I think we will do that later, I have had that one analyzed also, but I didn't start with it, I started with a different list, but that's alright, that just happened to be the first one on it."

Chief Gain: "If I may interject Mr. President, the applications there before you are those which were discussed last week, the number one and number two carried over as we know. The position of staff will be this, we will recommend approval of each one, a conditional approval, as we usually do because we haven't gotten results from CII and that would be our recommendation on each one of these."

Commissioner Siggins: "That is from a police standpoint only."

Chief Gain: "Just a police standpoint as far as the form and content."

Commissioner Murphy: "Well, I have taken Adams, we can go back and get Robert Lim and Louise Roskie if you want to, but I would....since having discussed what the content of this is, I think maybe we could proceed with that."

Commissioner Siggins: "Well take Robert Lim if you want, that application as far, as far as I can see is not complete, not understandable, I understand it is a transfer into.....trying to be transferred into a corporation, the basis is questionable as far as I can see, they are talking about 3 permits and whether they are talking about five permits....."

Commissioner Sanchez: "Mr. Chairman, if perhaps I might again ask a question I am getting confused, I thought that, in essence, the first candidate was Mary Adams which was a list from last week in order to do each one separately and, therefore, if we want the time we would have to schedule it....."

Commissioner Siggins: "What happened is that Mary Adams is the first one on tonight, but we have two that were carried over from last week."

Commissioner Sanchez: "Then our first candidate would be Robert Lim to State Cab Company?"

Commissioner Siggins: "Yes."

Commissioner Sanchez: "Okay, that's our first candidate we are discussing then."

Commissioner Siggins: "That's right, Mr. Loo is here, he incorporated....."

Norman Loo: "Yes, I wrote this as the State Cab Company, I would be happy to answer such questions as I can. Mr. Lim is also present."

There was some problems with Mr. Lim's application and the Commission allowed him and his attorney, Mr. Norman Loo, time to properly complete it. The second item was called at this time. Subsequently, the remaining items were called an voted upon as follows:

After each application was considered individually by the Commission, Commissioner Sanchez responded thusly: "This has been reviewed by the administration and meets the form and content of the Police Department?"

Chief Gain: "Yes sir."

Commissioner Toler: "I move for approval."

Commissioner Sanchez: "I second."

Commissioner Siggins: "Motion by Commissioner Toler to transfer this permit, seconded by Commissioner Sanchez, all in favor?"

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the rights to operate taxicabs by the following-named persons were called for hearings, they having been advertised in the official newspaper in accordance with the provisons applying thereto. The transferors and transferees appeared in person and were represented by Mr. Norman Loo, Attorney at Law. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Robert Y. Lim 260 Mallorca Way San Francisco, Ca.	State Cab Co. Inc. 706 Columbus Avenue San Francisco, Ca.	7

(Continued from the meeting of June 14, 1978)

David Chang 1439 Leavenworth Street San Francisco, Ca.	Changs, Inc. 1439 Leavenworth Street San Francisco, Ca.	3
Tony Gor 1520 Taylor Street San Francisco, Ca.	Tony Hui & Co. Inc. 1520 Taylor Street San Francisco, Ca.	1
Howard M. Jew 10-1/2 Ross Alley San Francisco, Ca.	Howard Mock Hew, Inc. 10-1/2 Ross Alley San Francisco, Ca.	1
Kin Keung Lee 2478-33rd Avenue San Francisco, Ca.	KKL Cab Co., Inc. 2478-33rd Avenue San Francisco, Ca.	1

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person ad were represented by Gary Moss, Attorney at Law. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

TRANSFEROR	TRANSFEREE	NO. OF PERMITS
Louise F. Roskie 89 Lomita Drive Mill Valley, Ca.	Louise F. Roskie and Fredericka Davis as joint tenancy with rights of survivorship 89 Lomita Drive Mill Valley, Ca.	1

(Continued from the meeting of June 14, 1978)

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the rights to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Mary Adams 395 San Leandro Way San Francisco, Ca.	Mary Adams and Karin Adams as joint tenancy with rights of survivorship 395 San Leandro Way San Francisco, Ca.	1
Frank P. Aiello 2663-15th Avenue San Francisco, Ca.	Frank P. Aiello and Joan A. Willemsen as joint tenancy with rights of survivorship 2663-15th Avenue San Francisco, Ca.	1
Larry Alhadeff 75 Eastmoor Daly City, Ca.	Larry Alhadeff and Maxine Alhadeff as joint tenancy with rights of survivorship 75 Eastmoor Daly City, Ca.	2
Larry Alhadeff 75 Eastmoor Daly City Ca.	Larry Alhadeff and June Alhadeff as joint tenancy with rights of survivorship 75 Eastmoor Daly City, Ca.	1
June Alhadeff 1700 Sloat Bouelvard San Francisco, Ca.	June Alhadeff and Sandra L. Howell as joint tenancy with rights of survivorship 1700 Sloat Boulevard San Francisco, Ca.	3

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
June Alhadeff 1700 Sloat Boulevard San Francisco, Ca.	June Alhadeff and Larry Alhadeff as joint tenancy with rights of survivorship 1700 Sloat Boulevard San Francisco, Ca.	2
Samuel Alhadeff 1700 Sloat Boulevard San Francisco, Ca.	Samuel Alhadeff and Barry Alhadeff as joint tenancy with rights of survivorship 1700 Sloat Boulevard San Francisco, Ca.	3
Kenneth Barbieri 6643 San Anselmo Way San Jose, Ca.	Kenneth Bargieri, Inc. 2015 McKinnon Avenue San Francisco, Ca.	3
Louise J. Dell Acqua 58 West Cavour Daly City, Ca.	Louise J. and Antonette L. Del Acqua as joint tenancy with rights of survivorship 58 West Cavour Daly City, Ca.	1
Tony W. H. Hui 651-40th Avenue San Francisco, Ca.	Bernie Hui & Co. Inc. 651-40th Avenue San Francisco, Ca.	1
Kenneth Klein 1550 Frontera Way Millbrae, Ca.	Kenneth Klein and Dennis P. Klein as joint tenancy with rights of survivorship 1550 Frontera Way Millbrae, Ca.	2
Louis Moss 615 John Muir Drive San Francisco, Ca.	Louis Moss and Helen Moss as joint tenancy with rights of survivorship 615 John Muir Drive San Francisco, Ca.	1
Helen Moss 615 John Muir Drive San Francisco, Ca.	Helen and Louis Moss as joint tenancy with rights of survivorship 615 John Muir Drive San Francisco, Ca.	1
James E. O'Connor 72 Merced San Francisco, Ca.	James E. O'Connor and Mary M. O'Connor as joint tenancy with rights of survivorship 72 Merced San Francisco, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
James E. O'Connor 72 Merced San Francisco, Ca.	James E. and Mary O'Connor as joint tenancy with rights of survivorship 72 Merced San Francisco, Ca.	1
James E. O'Connor 72 Merced San Francisco, Ca.	James E. and Mary M. O'Connor as joint tenancy with rights of survivorship 72 Merced San Francisco, Ca.	1
Jmes E. O'Connor 72 Merced San Francisco, Ca.	James E. and Mary M. O'Connor as joint tenancy with rights of survivorship 72 Merced San Francisco, Ca.	1

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

James Palazzi 8476 Valencia Dublin, Ca.	James Palazzi and Sandra Palazzi as joint tenancy with rights of survivorship 8476 Valencia Dublin, Ca.	3

Commissioner Ciani requested permission from the Commission to abstain from voting on this particular transfer and was given permission to do so.

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioner Siggins

ABSTAINING: Commissioner Ciani

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Phillip J. Rancatore 58 W. Cavour Street Daly City, Ca.	Phillip J. Rancatore and Mildred Rancatore as joint tenancy with rights of survivorship 58 W. Cavour Street Daly City, Ca.	4

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Frank J. Tripoli 1384 Madera Way Millbrae, Ca.	Frank J. Tripoli and Gloria Ann Tripoli as joint tenancy with rights of survivorship 1384 Madera Way Millbrae, Ca.	4
Leo D. Warrick 2850 Sneath Lane San Bruno, Ca.	Leo D. Warrick and Lawrence W. Williams as joint tenancy with rights of survivorship 2850 Sneath Lane San Bruno, Ca.	

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

TRANSFER OF JITNEY BUS PERMIT - CONTINUED TO JUNE 28, 1978.

The transfer of the jitney bus permit from Peter W. Garcia, 34 Turk Street, San Francisco, Ca., to Robert Paige, 101 Broad Street, San Francisco, Ca., was continued for one week to the meeting of June 28, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

The Commission then adjourned its meeting at 2006 hours.

SECRETARY

21 JUNE 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 21, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Toler, Siggins

ABSENT: Commissioner Sanchez

NOV 28 1978

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Commissioner Siggins presiding.

POLICE COMMISSION RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION VICE-PRESIDENT FOR THE BOARD OF POLICE COMMISSIONERS. (CONTINUED FROM THE MEETING OF JUNE 14, 1978).

Commissioner Siggins: "That matter has been tabled by a vote at the last meeting."

RESOLUTION NO. 277-78

HOKIT LINDA CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hokit Linda Chan against the City and County of San Francisco in the sum of $24.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 26, 1978

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 278-78

CHARLIE PITCHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charlie Pitcher against the City and County of San Francisco

in the sum of $18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1977

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 279-78

CARROLL G. HORNOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carroll G. Hornor against the City and County of San Francisco in the sum of $4.44 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: March 21, 1978

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

WEEKLY SICK REPORT

		PREVIOUS WEEK
Daily average for the week sick	56	50
Daily average for the week disabled	91	94
TOTALS	147	144

This is an increase of three (3) members off duty daily from the previous week.

Daily percentage for the week sick	4.09
Daily percentage for the week disabled	5.60
TOTAL	9.69

Disabled at the start of the week	94
Started during the week	15
Returned during the week	10
Disabled at the end of the week	99
Net Gain or Loss	+5

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY, MAY 10, 1977 AT 2400 HOURS:

Daily average for the week sick	100
Daily average for the week disabled	94
TOTAL	194
Daily percentage for the week sick	4.79
Daily percentage for the week disabled	5.64
TOTAL	10.43

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, APRIL 11, 1978 AT 2400 HOURS:

Daily average for the week sick	57
Daily average for the week disabled	91
TOTAL	148
Daily percentage for the week sick	3.10
Daily percentage for the week disabled	5.48
TOTAL	8.58

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meetings of April 5, 1978, April 12, 1978, and April 19, 1978, reading of the minutes were dispensed with and the minutes were approved as amended.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report Mr. President."

Commissioner Siggins: "Thank you Chief, any questions of the Chief?"

Commissioner Ciani: "Yes, I have a question about the City Attorney's Opinion that we received on the grievance, what's the next step in that procedure now that we have the opinion?"

Chief Gain: "Well, as far as Sergeant Williams, I met with Sergeant Hebel and we have that matter resolved, so we will probably calendar that matter before the Commission next week for a reading of our resolution."

Commissioner Ciani: "Thank you."

Commissioner Siggins: "Any other questions of the Chief?"

RESOLUTION NO. 280-78

DATE TO BE SET FOR HEARING OF POLICE OFFICER JOHN CHESTNUT, CRIME PSECIFIC TASK FORCE

WHEREAS, the date to be set for the disciplinary hearing of Police Officer John Chestnut, Crime Specific Task Force, was called; and

WHEREAS, it was requested by Police Officer John Chestnut that his hearing before the Police Commission be set for Wednesday, August 23, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer John Chestnut, Crime Specific Task Force, is set for Wednesday, August 23, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 281-78

DATE TO BE SET FOR HEARING OF POLICE OFFICER BRIAN D'ARCY, CRIME SPECIFIC TASK FORCE

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Brian D'Arcy, Crime Specific Task Force, was called; and

WHEREAS, it was requested by Police Officer Brian D'Arcy that his hearing before the Police Commission be set for Wednesday, August 23, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Brian D'Arcy, Crime Specific Task Force, is set for Wednesday, August 23, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION IN ACCORDANCE WITH THE TERMS OF THE MAYOR'S PROCLAMATION OF JUNE 12, 1978, WHICH WILL AUTHORIZE PAYMENT AT THE HIGHER RATE OF PAY FOR OFFICERS WORKING IN HIGHER RANKS - APPROVED

WHEREAS, the proclamation of a state of emergency dated June 12, 1978, has eliminated the payment of differential pay for officers temporarily working in higher ranks unless the Commission approves of such payment; and

WHEREAS, there are numerous vacancies in the supervisory and management ranks of the department which must be filled; and

WHEREAS, it would be inequitable for some persons working in a rank to receive a higher rate of pay than persons doing identical work; therefore be it

RESOLVED, that the Police Commission hereby adopts a policy which approves the payment at the rate of pay of the rank to which they have been appointed for those persons temporarily appointed to fill higher ranks in those positions

deemed by the Chief of Police to require filling to provide adequate management and supervision to the department.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

HEARING OF CAPTAIN J. WILLIAM CONROY, SUPPORT SERVICES BUREAU - COMMUNICATIONS

The hearing of Captain J. William Conroy Support Services Bureau, Communications Division, was called, it having been set for this date. Captain J. William Conroy was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Failure to make an immediate and personal investigation of misconduct of a member of his command. (Violation of Section 2.245 of the Rules and Procedures of the San Francisco Police Department) (3 counts)

SPECIFICATION NO. 2

Failure to promptly file a written report of his subordinates' violation of the Rules and Procedures. (Violation of Section 2.199 of the Rules and Procedures of the San Francisco Police Department) (2 counts)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Captain J. William Conroy appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence Wilson, Attorney at Law, appeared as the Prosecutor for the Police Department.

The reading of Charges was waived.

An opening statement was made by Mr. Lawrence Wilson, Prosecuting Attorney.

Mr. Stephen Bruce Bley, Defense Attorney, waived making an opening statement.

Captain J. William Conroy entered, through his attorney, a plea of "not guilty" to all charges.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Captain Donald L. Taylor
Taraval Police Station

Captain Cornelius P. Murphy
Northern Police Station

Sergeant Peter M. Alarcon
Support Services Bureau - Central
Warrant Bureau

Agustius B. Bruneman
Commander of Field Patrol

Jeremiah P. Taylor
Deputy Chief of Field Operations

The Commission then adjourned at 2135 hours, and the matter was continued to Wednesday, July 12, 1978 at 1730 hours, in Room 551, Hall of Justice.

Recess taken during the hearing of Captain J. William Conroy:

1858 hours to 1913 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

The Commission then adjourned its meeting at 2135 hours.

SECRETARY

28 JUNE 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 28, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

NOV 28 1978

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Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

7 SEWARD - CITY & COUNTY OF SAN FRANCISCO

Continued for one week

51 SEWARD - CITY AND COUNTY OF SAN FRANCISCO

Continued for one week

84 SEWARD - CITY AND COUNTY OF SAN FRANCISCO

Continued for one week

64 SEWARD - CITY & COUNTY OF SAN FRANCISCO

Continued for one week

5580 MISSION STREET - PREMIER REALTY & INVESTMENTS

a) At 5580 Mission Street, install a 22' green zone,to extend from 2' to 24' south of north property line.

421 BARTLETT STREET - MISSION CHILDREN'S CENTER

a) At 421 Bartlett Street, install a 22' white zone, to extend from 4' to 26' north of south property line.

2701 LEAVENWORTH STREET - MARGIE'S BARN AND MORNING GLORY

a) At 2701 Leavenworth Street, install a 22' green zone, to extend from 13' to

35' north of south property line.

610 FILLMORE STREET - HOTEL CASA LOMA

a) At 610 Fillmore Street, install a 22' white zone, to extend from 22' south of north property line.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

2400 JACKSON STREET

Commissioner Siggins: "Mr. Pettus is here in regard to the.....he had a traffic matter that we suggested he talk about, Officer Quaglia, Mr. Pettus is right behind you and at your pleasure, would you like to put it over to a night where we had a less congested calendar?"

Mr. J. Donald Pettus: "I would suggest that it be put over for two weeks, to July 12th, if that's convenient?"

Commissioner Siggins: "That's alright, fine. Okay Mr. Pettus. While you are here, we will be asking Officer Quaglia about the Department's position on that matter, and if you have any questions, you ought to get together with him at any time within the next two weeks, he might be able to easily respond to some of your questions."

Mr. J. Donald Pettus: "Very good, thank you."

Commissioner Siggins: "Officer Quaglia, do you have any other matters?"

Officer Quaglia: "Yes, Commissioners there was a protest on items 1, 2, 3, and 4, on Seward Street."

Commissioner Siggins: "Are the people here on the protest?"

Officer Quaglia: "I am not sure, I couldn't locate them in the crowd. Is there anybody here from the Seward Street Group?" (No response from the audience)

Commissioner Siggins: "I tell you what, that has been passed now but if there is something....that's a matter of urgency though, isn't it?"

Officer Quaglia: "Yes, I did have the maps here showing the size of the streets and everything, it's a very narrow street, and if you wish, Commissioners, we could hold it over one week and I will contact the parties again on the first four items."

Commissioner Siggins: "I think that's best. Alright, okay."

RESOLUTION NO. 282-78

Y.S. SAMMY CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Y.S. Sammy Chan against the City and County of San Francisco in the sum of $43.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 21, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Tolèr, Siggins

RESOLUTION NO. 284-78

CALIFORNIA STATE AUTO ASSOCIATION
(RENEE DEJARNATT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Renee DeJarnatt against the City and County of San Francisco in the sum of $12.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 9, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 285-78

LILLIAN F. ERICKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lillian

F. Erickson against the City and County of San Francisco in the sum of $22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 30, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 286-78

HERBERT JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Herbert Johnson against the City and County of San Francisco in the sum of $80.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 23, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 287-78

JOANN CASTILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joann Castillo against the City and County of San Francisco in the sum of $20.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 28, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 288-78

JILL LEIGH STEVEN

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Jill Leigh Steven against the City and County of San Francisco in the sum of $26.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 13, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 283-78

MARSHA STINNETT AND BRIDGETT STINNETT, A MINOR, AND THEIR ATTORNEY, MARVIN LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Marsha Stinnett in the sum of $100,000.00 in Superior Court Action No. 677-292 entitled "Marsha Stinnett, et al., v. City and County of San Francisco, Harrington's Bar Corporation, John D. Driscoll," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 16, 1974

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 289-78

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING, AT THE POST BASIC COURSE REVISION CONSORTIUM CONFERENCE AND COMMISSION PUBLIC HEARING AT SAN DIEGO, CALIFORNIA, FROM JULY 25, 1978 TO JULY 28, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Richard D. Klapp be detailed to attend the Post Basic Course Revision Consortium Conference and Commission Public Hearing at San Diego, California, from July 25, 1978 to July 28, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Richard D. Klapp, in a sum not to exceed $230.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

		PREVIOUS WEEK
Daily average for the week sick	60	56
Daily average for the week disabled	100	91
TOTAL	160	147

This is an increase of thirteen (13) members off duty daily from the previous week.

Daily percentage for the week sick	3.26
Daily percentage for the week disabled	6.16
TOTAL	9.42

Disabled at the start of the week	99
Started during the week	18
Returned during the week	16
Disabled at the end of the week	101
Net Gain Or Loss	+2

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY, MAY 17, 1977 AT 2400 HOURS:

Daily average for the week sick	87	
Daily average for the week disabled	96	
TOTAL	183	
Daily percentage for the week sick		4.14
Daily percentage for the week disabled		5.48
TOTAL		9.62

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, APRIL 18, 1978 AT 2400 HOURS:

Daily average for the week sick	52	
Daily average for the week disabled	97	
TOTAL	149	
Daily percentage for the week sick		2.83
Daily percentage for the week disabled		5.85
TOTAL		8.68

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report Mr. President."

Commissioner Siggins: "Thank you, Chief. Next item."

RESOLUTION NO. 290-78

AUTHORIZING THE CHIEF OF POLICE TO MAKE NINE (9) NON-CIVIL SERVICE APPOINTMENTS TO THE RANK OF LIEUTENANT (Q60)

RESOLVED, that pursuant to Charter Section 3.501, the Police Commission of the City and County of San Francisco hereby approves the intended action of the Chief of Police to make nine (9) non-civil service appointments (Charter Section 8.332) to the rank of Lieutenant (Q60).

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

STATUS REPORT ON THE REQUEST FOR PERMISSION OF THE POLICE COMMISSION TO MAKE FIVE (5) NON-CIVIL SERVICE APPOINTMENTS OF POLICE OFFICERS (Q2) TO THE RANK OF ASSISTANT INSPECTOR (Q35) UNDER THE PROVISIONS OF CHARTER SECTION 3.501 (CONTINUED FROM THE MEETING OF MAY 31, 1978).

Chief Gain: "Mr. President, members of the Commission, I request your approval of this agenda item, that is, give me your approval to make these appointments and we will get it off the calendar. I am not going to make the appointments now, but we will eventually."

Commissioner Siggins: "Okay, but this is a request for five."

Chief Gain: "This is a request for five."

Commissioner Sanchez: "I move approval."

Commissioner Ciani: "Second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING REGARDING GRIEVANCE 7-77 FILED BY ASSISTANT INSPECTOR MICHAEL WILLIAMS. (CONTINUED FROM THE MEETING OF APRIL 12, 1978.)

Chief Gain: "Mr. President, members of the Commission, after the City Attorney's Opinion came out, we met with representatives of the POA and resolved the grievance staisfactorily and, therefore, recommend that it be taken off calendar."

Commissioner Siggins: "So ordered. It was the suggestion of the Commission last week that something like that could be worked out."

TRANSFER OF JITNEY BUS PERMIT FROM PETER W. GARCIA TO ROBERT PAIGE

Because of certain discrepancies in the paper work of this transfer, it was requested it be put over to be heard as the last item on the calendar.

The following items were then called an voted upon as follows:

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were represented by Mr. Ray Levy, Attorney at Law. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate a taxicab to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Josephine Ambrose 44 Inverness Drive San Francisco,Ca.	Josephine Ambrose and Debra Ambrose as joint tenancy with rights of survivorship 44 Inverness Drive San Francisco, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Nicholas R. Bruno 37 Montegokey Novato, Ca.	Nicholas R. Bruno and Anne J. Bruno as joint tenancy with rights of survivorship 37 Monkegokey Novato, Ca.	1
Alvera Celia 864 Silver Avenue San Francisco, Ca.	Alvera Celia and Samuel Bell as joint tenancy with rights of survivorship 864 Silver Avenue San Francisco, Ca.	1
Charles Cohn 114 Acacia Avenue San Bruno, Ca.	Charles Cohn and Janice Marie Maher as joint tenancy with rights of survivorship 124 Santa Clara Brisbane, Ca.	1
Edmundo Romero 442 Dwight San Francisco, Ca.	Edmundo Romero and Margaret J. Romero as joint tenancy with rights of survivorship 442 Dwight San Francisco, Ca.	2
Joseph H. Falk 1424 Canyonwood Walnut Creek, Ca.	Joseph H. Falk and William M. Falcon as joint tenancy with rights of survivorship 578 Tanbark Terrace San Rafael, Ca.	2
Raymond Fratini 850 Barneveld Avenue San Francisco, Ca.	Raymond Fratini and Shirley Fava as joint tenancy with rights of survivorship 611 Alta San Mateo, Ca.	1
Harold Glew 4222 Primrose Avenue Santa Rosa, Ca.	Harold Glew and Mardel E. Glew as joint tenancy with rights of survivorship 4222 Primrose Avenue Santa Rosa, Ca.	1
David Holvoet 87 Apollo Street San Francisco, Ca.	David Holvoet and Rose Marie Holvoet as joint tenancy with rights of survivorship 87 Apollo Street San Francisco, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
David Johns 2633 Lawton Street San Francisco, Ca.	David Johns and Kenneth W. Johns as joint tenancy with rights of 2633 Lawton Street San Francisco, Ca.	1
Leroy Kiick 3983 Army Street #4 San Francisco, Ca.	Leroy Kiick and Rosemarie Kiick as joint tenancy with rights of survivorship 2983 Army Street #4 San Francisco, Ca.	1
Lawrence F. Walsh 301 Green Street San Francisco, Ca.	Lawrence F.Walsh and Michael Walsh as joint tenancy with rights of survivorship Rt. 5, Box 227-L Chico, Ca.	1
Angelo Figone 14 Parkwood Drive Daly City, Ca.	Angelo Figone and Barbara Figone as joint tenancy with rights of survivorship 14 Parkwood Drive Daly City, Ca.	2

*Conditionally approved depending on investigations from the CII.

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were represented by Mr. Norman Loo, Attorney at Law. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees;said approval contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Pui Chan 1534 Jackson Street#2 San Francisco, Ca.	Safety Cab Co. Inc. 1534 Jackson Street #2 San Francisco, Ca.	1
Jimmy Z. Chang 262 Willard Street San Francisco, Ca.	Jeannon & Co. Inc., 222 Willard Street San Francisco, Ca.	1

*Conditionally approved depending on investigations from the CII.

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named trnasferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Samuel Bell 864 Silver Avenue San Francisco, Ca.	Samuel Bell and Alvera Celia as joint tenancy with rights of survivorship 864 Silver Avenue San Francisco, Ca.	1
Alex Bosia 370 Calle Dela Mesa Novato, Ca.	Alex Bosia and Corinne Bosia as joint tenancy with rights of survivorship 370 Calle Dela Mesa Novato, Ca.	1
Tom H. Carlos 960 Hillcrest Boulevard Millbrae, Ca.	Tom H. Carlos and Suzanne L. Carlos as joint tenancy with rights of survivorship 960 Hillcrest Boulevard Millbrae, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
James Daniels 1536 Pacific San Francisco, Ca.	James Daniel and Jerry Moneyhon as joint tenancy with rights of survivorship 1536 Pacific San Francisco, Ca.	4
Frank J. Economou 132 San Luis Way Novato. Ca.	Frank J. Economou and Juanita Economou as joint tenancy with rights of survivorship 132 San Luis Way Novato, Ca.	2
Toy Dung Fong 1255 Kearny Street San Francisco, Ca.	Day and Day Taxi, Ltd. 2015 McKinnon Street San Francisco, Ca.	4
Samuel Glasser 8069 Stone Canyon Circle Citrus Heights, Ca.	Samuel Glasser and Aline Glasser as joint tenancy with rights of survivorship 8069 Stone Canyon Circle Citrus Heights, Ca.	1
Aline Glasser 8069 Stone Canyon Circle Citrus Heights, Ca.	Aline Glasser and Samuel Glasser as joint tenancy with rights of survivorship 8069 Stone Canyon Circle Citrus Heights, Ca.	1
Charles A. Greif 110 Walnut Avenue Corte Madera, Ca.	Charles A. Greif and Charla Nuernberger as joint tenancy with rights of survivorship 65 Stanford Ct. Novato, Ca.	1
Hendrik Damen 2663 - 44th Avenue San Francisco, Ca.	Hendrik and Hendrina Damen as joint tenancy with rights of survivorship 2663 -44th Avenue San Francisco, Ca.	1
Walter Hoffman 427-14th Avenue San Francisco, Ca.	Tony Hui & Co. Inc., 1520 Taylor Street San Francisco, Ca.	1
Charles Ingmire 363 Lakeshore Drive San Francisco, Ca.	Charles Ingmire and Nata F. Ingmire as joint tenancy with rights of survivorship 363 Lakeshore Drive San Francisco, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
David Johns 2633 Lawton Street San Francisco, Ca.	David Johns and David J. Johns as joint tenancy with rights of survivorship 2633 Lawton Street San Francisco, Ca.	1
Alexander Krotoff 38 Calgary Street San Francisco, Ca.	Alexander Krotoff and Lyndell Giannini as joint tenancy with rights of survivorship 411 San Carlos Way Novato, Ca.	1
Dave Manuck 1501 Chapin Street Burlingame, Ca.	Dave Manuck and Beverly I. Cohen as joint tenancy with rights of survivorship 810 Andromeda Foster City, Ca.	2
Roy Marcotte 835 Jefferson Ct. San Mateo, Ca.	Roy Marcotte and Anita L. Higgins as joint tenancy with rights of survivorship 835 Jefferson Ct. San Mateo, Ca.	1
William Marcotte P.O. Box 1182 Lakeport, Ca.	William Marcotte and Lucille E. Marcotte as joint tenancy with rights of survivorship P.O. Box 1182 Lakeport, Ca.	1
Roy Marcotte 835 Jefferson Court San Mateo, Ca.	Roy Marcotte and Marsha Runner as joint tenancy with rights of survivorship 824 Byron Street South San Francisco, Ca.	1
Evelyn M. Osborn (Deceased)	Joseph P. Osborn 333 Willow #206 Alameda, Ca.	1
Ralph Raymond Papka 2998 Hastings Redwood City, Ca.	Ralph Raymond Papka and Nancy Engman as joint tenancy with rights of survivorship 658 - 15th Avenue Menlo Park, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Roy E. Regnart 3440-20th Street San Francisco, Ca.	Roy E. Regnart and Norman L. Regnart as joint tenancy with rights of survivirship 3440-20th Street San Francisco, Ca.	2
Alvan H. Smith 2520 Wentworth Street South San Francisco, Ca.	Alvan H. Smith and Maureen R. O'Bannion as joint tenancy with rights of survivorship 151 Rockridge San Carlos, Ca.	2
Frederic W. Smith 798 Post Street San Francisco, Ca.	Frederic W. Smith Alvan H. Smith as joint tenancy with rights of survivorship 2520 Wentworth South San Francisco, Ca.	1
Merritt T. Stone 3225 Lake Country Highway Calistoga, Ca.	Merritt T. Stone and Fred Stone as joint tenancy with rights of survivorship 3255 Lake Country Highway Calistoga, Ca.	1
Samuel E. Unger 442 Capistrano San Francisco, Ca.	Samuel E. Unger and Doris E. Unger as joint tenancy with rights of survivorship 442 Capistrano San Francisco, Ca.	1
Samuel E. Unger 442 Capistrano San Francisco, Ca.	Samuel E. Unger and Sonia J. Dold as joint tenancy with rights of survivorship 442 Capistrano San Francisco, Ca.	1
William Voulgaris 2656 Van Ness Avenue San Francisco, Ca.	William and Patricia Voulgaris as joint tenancy with rights of survivorship 2656 Van Ness Avenue San Francisco, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Louis O. Miller 1085 So. Van Ness Avenue San Francisco, Ca.	Louis O. Miller and Eleanor E. Miller as joint tenancy with rights of survivorship 1085 So. Van Ness Avenue San Francisco, Ca.	1
Carl A. Barbieri 35 Poncetta Drive #102 Daly City, Ca.	Carl A. Barbieri and Dennis C. Barbieri as joint tenancy with rights of survivorship 1766 Oakdale Avenue San Francisco, Ca.	1
Laurence J. Dulbecco 49 Warren Drive San Francisco, Ca.	Laurence J. Dulbecco Evelyn Dulbecco as joint tenancy with rights of survivorship 49 Warren Drive San Francisco, Ca.	1
Benjamin Angel 2563-4th Avenue San Francisco, Ca.	Benjamin Angel and Susan M. Angel and William Angel as joint tenancy with rights of survivorship 2563-14th Avenue San Francisco, Ca.	1
Luben V. Apostolov 467-24th Avenue San Francisco, Ca.	Edward Mark Nieto and Evangelina Nieto as joint tenancy with rights of survivorship 3867 Crofton Way South San Francisco, Ca.	1
Rose Marie Beauford 2528 Fulton Street San Francisco, Ca.	Rose Marie Beauford and James E. Beauford as joint tenancy with rights of survivorship 2528 Fulton Street San Francisco, Ca.	1
Albert L. Boyd (Deceased)	James E. Canales 2911 Irving Street San Francisco, Ca.	1
Gerald Buckley 1216 Helen Drive Millbrae, Ca.	Gerald Buckley and Violet Buckely as joint tenancy with rights of survivorship 1216 Helen Drive Millbrae, Ca.	2

TRANSFERORS	TRANSFEREES	NO.OF PERMITS
Paul Frank Candelia 835 O'Farrell Street San Francisco, Ca.	Paul Frank Candelia Michael Candelia as joint tenancy with rights of survivorship 835 O'Farrell Street San Francisco, Ca.	1
William R. Cardiel 618 Maple Street South San Francisco, Ca.	William R. Cardiel and Shirley A. Cardiel as joint tenancy with rights of survivorship 618 Maple Street South San Francisco, Ca.	1
Walter W. Caston 1533 Moraga San Francisco, Ca.	Walter W. Caston and Juanita Caston as joint tenancy with rights of survivorship 1533 Moraga San Francisco, Ca.	1
Bruno Cavaleri 1513 Cedar Street San Carlos, Ca.	Bruno Cavaleria and Yolanda Cavaleri as joint tenancy with rights of survivorship 1513 Cedar Street San Carlos, Ca.	1
Albert Celia 1664 Union Street San Francisco, Ca.	Albert Celia and Rose Celia as joint tenancy with rights of survivorship 1664 Union Street San Francisco, Ca.	1
Ernest S. Cerelli 1786-42nd Avenue San Francisco, Ca.	Ernest S. Cerelli and Lisa K. Cerelli as joint tenancy with rights of survivorship 1786-42nd Avenue San Francisco, Ca.	1
Emma S. Cole 2247-39th Avenue San Francisco, Ca.	Emma S. Cole and Ronald J. Morini as joint tenancy with rights of survivorship 2247-39th Avenue San Francisco, Ca.	1
Luis M. Curiel 963 Alabama Street San Francisco, Ca.	Luis M. Curiel and Blanca R. Curiel as joint tenancy with rights of survivorship 963 Alabama Street San Francisco, Ca.	1

TRANSFERORS	TRANSFEREE	NO. OF PERMITS
John C. Decota 145 San Andreas Novato, Ca.	John C. Decota and Barbara A. Decota as joint tenancy with rights of survivorship 145 San Andreas Novato, Ca.	1
Duncan F. Dong 847 Bellevue Avenue San Francisco, Ca.	Duncan Dong and Dennis Dong as joint tenancy with rights of survivorship 847 Bellevue Avenue San Francisco, Ca.	1
Samuel S. Dyquisto 8947 Poplar Cotati, Ca.	Samuel S. Dyquisto and Marie Dyquisto as joint tenancy with rights of survivorship 8947 Poplar Cotati, Ca.	1
Gilbert Favetti 84 Cityview Way San Francisco, Ca.	Gilbert Favetti and Michael Favetti as joint tenancy with rights of survivorship 84 Cityview Way San Francisco, Ca.	1
Gilbert Favetti 84 Cityview Way San Francisco, Ca.	Gilbert Favetti and Michele Favetti as joint tenancy with rights of survivorship 84 Cityview Way San Francisco, Ca.	1
Gilbert Favetti 84 Cityview Way San Francisco, Ca.	Gilbert Favetti and Mildred E. Favetti as joint tenancy with rights of survivorship 84 Cityview Way San Francisco, Ca.	1
Joseph Gold 1035 Sutter Street San Francisco, Ca.	SKG Corporation 625 Euclid Avenue San Francisco, Ca.	1
Solomon Goldberg 1064 Norton San Mateo, Ca.	Ronald R. Goldberg 1064 Norton San Mateo, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Alexander Graf 859 Bryant Street San Francisco, Ca.	Alexander Graf and Leonard Graf as joint tenancy with rights of survivorship 859 Bryant Street San Francisco, Ca.	1
Marian Greenbach 420 Pope Street San Francisco, Ca.	Marian Greenbach and Michelle Greenbach as joint tenancy with rights of survivorship 420 Pope Street San Francisco, Ca.	1
John Francis Hannan 240 Lanning Woodside, Ca.	John Hannan and Patrick Hannan as joint tenancy with rights of survivorship 240 Lanning Woodside, Ca.	2
Victor Holvoet 41 Westdale Avenue Daly City, Ca.	Victor Holvoet and Donald J. Holvoet as joint tenancy with rights of survivorship 41 Westdale Avenue Daly City, Ca.	1
Cecil Hunt 81 Corte Lenosa Greenbrae, Ca.	Cecil Hunt and Patricia Hunt as joint tenancy with rights of survivorship 81 Corte Lenosa Greenbrae, Ca.	1
Albert Jew 712 Navaronne Way Concord, Ca.	Albert Jew and Edward Jew as joint tenancy with rights of survivorship 1088 Flying Fish Street Foster City, Ca.	1
Anne Jew 10-1/2 Ross #A San Francisco, Ca.	Anne Jew and Howard Mock Jew as joint tenancy with rights of survivorship 10-1/2 Ross #A San Francisco, Ca.	1
Edith Jew 920 Via Enrico San Lorenzo, Ca.	Edith Jew and Edwin Jew as joint tenancy with rights of survivorship 920 Via Enrico San Lorenzo, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Edwin Jew 920 Via Enrico San Lorenzo, Ca.	Edwin Jew and Edith Jew as joint tenancy with rights of survivorship 920 Via Enrico San Lorenzo, Ca.	3
Louie B. L. Jung 2158-25th Avenue San Francisco, Ca.	Louie B.L. Jung and Nancy Jung as joint tenancy with rights of survivorship 2158-25th Avenue San Francisco, Ca.	1
Louis London 1112 Larkin Street San Francisco, Ca.	Doris London and Louis London as joint tenancy with rights of survivorship 1112 Larkin Street San Francisco, Ca.	1
Mimi Chow Look 1500-18th Avenue San Francisco, Ca.	Mimi C. and Ronald T.K. Look as joint tenancy with rights of survivorship 1500-18th Avenue San Francisco, Ca.	1
Juanita R. Manuck 81 Corte Lenosa Greenbrae, Ca.	Juanita R. Manuck and May Hunt as joint tenancy with rights of survivorship 81 Corte Lenosa Greenbrae, Ca.	1
Jack Megarity (Deceased)	Mildred C. Megarity and Jack Megarity III, as joint tenancy with rights os survivorship 192 Marin Valley Drive Novato, Ca.	1
Mario Minolli 27 Warren Drive San Francisco, Ca.	Mario Minolli and Patricia Minolli as joint tenancy with rights of survivorship 27 Warren Drive San Francisco, Ca.	1
Patricia Minolli 27 Warren Drive San Francisco, Ca.	Patricia Minolli and Mario Minolli as joint tenancy with rights of survivorship 27 Warren Drive San Francisco, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Homer Papas 1333 Gough Street San Francisco, Ca.	Maxine Papas and Homer Papas as joint tenancy with rights of survivorship 1333 Gough Street San Francisco, Ca.	2
Dolores Parhomenko 345 Karen Way Tiburon, Ca.	Dolores Parhomenko and William J. Lazar as joint tenancy with rights of survivorship 101 Bahama Reef Novato, Ca.	2
Louis Peppars 105 San Felipe Way Novato, Ca.	Louis Peppars and Linda M. Peppars as joint tenancy with rights of survivorship 105 San Felipe Way Novato, Ca.	1
Mrs. Alexandria A. Petersen 980 Sacramento Street San Francisco, Ca.	Alexandria A. Petersen aka Alice A. Petersen and Magnus J. Petersen as joint tenancy with rights of survivorship 980 Sacramento Street San Francisco, Ca.	1
Magnus J. Petersen 980 Sacramento Street San Francisco, Ca.	Magnus J. Petersen and Alice A. Petersen aka Alexandria A. Petersen as joint tenancy with rights of survivorship 980 Sacramento Street San Francisco, Ca.	1
Florence M. Race 1415 Buchanan Novato, Ca.	Florence M. Race and Michael L. Race as joint tenancy with rights of survivorship 1415 Buchanan Novato, Ca.	1
James A. Romanoff 631 O'Farrell Street San Francisco, Ca.	Larue P. Murdock 1392 McAllister Street San Francisco, Ca.	1
Herman H. Scholten 314 Surrey Street San Francisco, Ca.	McCoppin Street Inc. 2918 Webster Street San Francisco, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
James H. Scholten 100 Pacheco Street San Francisco, Ca.	McCoppin Street, Inc. 2918 Webster Street San Francisco, Ca.	1
Thomas L. Scholten 133 McCoppin Street San Francisco, Ca.	McCoppin Street Inc. 2918 Webster Street San Francisco, Ca.	1
Carl R. Scoma 131 Fairfield Moraga, Ca.	Carl R. Scoma and Anthony C. Scoma as joint tenancy with rights of survivorship 131 Fairfield Moraga, Ca.	1
Carl R. Scoma 131 Fairfield Moraga, Ca.	Carl R. Scoma and Elizabeth Roscano as joint tenancy with rights of survivorship 8530 Newry Dublin, Ca.	1
Fred Seronick 2015 McKinnon Street San Francisco, Ca.	Huey Inc. 1563 Lombard Street San Francisco, Ca.	1
Ronald Spahn 1117 Geary Street San Francisco, Ca.	Ronald Spahn, Inc. 695-8th Street San Francisco, Ca.	3
Kenneth Tong 3660 Fleetwood San Bruno, Ca.	Kenneth Tong and Mae Jew Tong as joint tenancy with rights of survivorship 3660 Fleetwood San Bruno, Ca.	1
Mae Jew Tong 3660 Fleetwood San Bruno, Ca.	Mae Jew Tong and Kenneth Tong as joint tenancy with rights of survivorship 3660 Fleetwood San Bruno, Ca.	1
Frank J. Valentino 16 Curvier Street San Francisco, Ca.	Frank J. Valentino and June Pitkoff as joint tenancy with rights of survivorship 17260 Clara Monte Sereno, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Veterans Taxicab Co. Inc. 1501 Harrison Street San Francisco, Ca.	Hazel G. Johnson 1700 North Point Street San Francisco, Ca.	1
Georgette P. Welch 40 Crestline Drive San Francisco, Ca.	Georgette P. Welch and Amy L.Welch as joint tenancy with rights of survivorship 11 Crescent Lane Fairfax, Ca.	6
Georgette P. Welch 40 Crestline Drive San Francisco, Ca.	Georgette P. Welch and Philip H. Welch as joint tenancy with rights of survivorship 11 Crescent Lane Fairfax, Ca.	2
Philip H. Welch IV 41B Pacheco San Rafael, Ca.	Philip H. Welch IV and Amy L. Welch as joint tenancy with rights of survivorship 11 Crescent Lane Fairfax, Ca.	2
Evelyn K. Williams Rasmussen 1233 Leafwood Novato, Ca.	Normand D. Rasmussen 1233 Leafwood Novato, Ca.	1
Estelle B. Wise 218 La Crosse Avenue Santa Rosa, Ca.	Estelle B. Wise and James L.Wise as joint tenancy with rights of survivorship 218 La Crosse Avenue Santa Rosa, Ca.	1
Estelle B. Wise 218 La Crosse Avenue Santa Rosa, Ca.	Estelle B. Wise and Richard B. Wise as joint tenancy with rights of survivorship 218 La Crosse Avenue Santa Rosa, Ca.	1
Jack B. Woodall 452 Bartlett Street San Francisco, Ca.	Jack B. Woodall and Ofelia E.Woodall as joint tenancy with rights of survivorship 452 Bartlett Street San Francisco, Ca.	1

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Jack B. Woodall 452 Bartlett Street San Francisco, Ca.	Jack B. Woodall and Michael R. Woodall as joint tenancy with rights of survivorship 845-4th Avenue San Bruno, Ca.	1

Conditionally approved depending on investigation from the CII.

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

TRANSFERS OF LIMOUSINE PERMITS - APPROVED

The matters of the transfers of the right to operate Limousines by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate a limousine to the within-named transferees; said approval contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

TRANSFERORS	TRANSFEREES	NO. OF PERMITS
Airport Transit of Calif. 695-8th Street San Francisco, Ca.	SFO Airporter, Inc. 310 Ferndale Avenue South San Francisco, Ca.	1

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NAYS: Commissioner Ciani

*Malcolm Steven Ross 215 Indio South San Francisco, Ca.	Malcolm Steven Ross and/or Willis Edwin Ross as joint tenancy with rights of survivorship 215 Indio South San Francisco, Ca.	1

*Conditionally approved depending on investigation from the CII.

AYES: Commissioners Murphy, Sanchez, Toler

NAYS: Commissioners Ciani, Siggins

TRANSFER OF JITNEY BUS PERMIT -(CONTINUED FROM THE MEETING OF JUNE 19,1978)

The matter of the transfer of the right to operate a jitney bus by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

TRANSFEROR	TRANSFEREE	NO. OF PERMITS
Peter W. Garcia 34 Turk Street San Francisco, Ca.	Robert Paige 101 Broad Street San Francisco, Ca.	1

Conditionally approved - Brother Paige to bring in waiver.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

The Commission then adjourned its meeting at 2200 hours.

SECRETARY

5 JULY 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 5, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Toler, Siggins

ABSENT: Commissioner Sanchez

DEC 7 1978

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

#7 - 51 - 84 & 64 SEWARD - CITY AND COUNTY OF SAN FRANCISCO CONTINUED TO JULY 19,1978

1800 FOLSOM STREET - CALIFORNIA PELLETT MILL CO.

a) At 1800 Folsom Street, revoke 22' of 66' green zone, extending from 115' to 137' south of north property line.

b) Install blue zone at this location.

429 BEALE STREET - CITY TRANSFER & STORAGE COMPANY

a) At 429 Beale Street, install a 28' yellow zone, extending from south property line 28' north of same.

2143-22ND AVENUE - LINCOLN HIGH SCHOOL

a) At 2143-22nd Avenue, install a 66' white zone, to extend from south building line 66' north of same.

2164-24th AVENUE - LINCOLN HIGH SCHOOL

a) At 2164-24th Avenue, install a 22' blue zone, extending from north end of white zone to existing yellow zone.

851 CALIFORNIA STREET - SAN FRANCISCO RESIDENT CLUB

a) At 851 California Street, install a 22' yellow zone, to extend from 27' to 49' east of west property line.

950 TARAVAL STREET - TARAVAL PRODUCE

a) At 950 Taraval Street, install a 22' yellow zone, to extend from 22' west of the east property line.

b) Meter #TAR new.

2101-22nd AVENUE - LINCOLN HIGH SCHOOL

a) At 2101-22nd Avenue, revoke existing 85' white zone, extending from 9' to 94' south of Quintara Street.

2121 - 22nd AVENUE - LINCOLN HIGH SCHOOL

a) At 2121-22nd Avenue, revoke existing 60' white zone, extending from 141' to 201' south of Quintara Street.

PARKING LOT OFF TEAGARDEN DRIVE-CITY & COUNTY OF SAN FRANCISCO

a) At Parking Lot off Teagarden Drive, revoke existing 66' blue zone in parking lot, extending from Teagarden Drive to 66' east of same.

544-2nd STREET - CLOSED - S.F.P.D.

a) At 544-2nd Street, revoke existing 18' yellow zone, extending from 54' to 72' north of south property line.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 251 feet of green, white, blue and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 291-78

ELIZABETH H. BARBOUR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth H. Barbour against the City and County of San Francisco in the sum of $7.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 12, 1978

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 292-78

ALVIN LEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alvin Leung against the City and County of San Francisco in the sum of $24.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1978

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO.293-78

ROBERT LEON SALAZAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Leon Salazar against the City and County of San Francisco in the sum of $45.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 21, 1977

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 294-78

ROBERT R. MASON AND HIS ATTORNEYS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Robert R. Mason and his attorneys in the sum of $3,000.00 in Superior Court Action No. 693-908 entitled, "Robert R. Mason v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 9, 1975

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 295-78

TRAVELING EXPENSE VOUCHERS-APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the

same are hereby approved:

Captain George P. Jeffrey) Captain Raymond D. White)	$446.80 each	(Executive Development Course at (Tiburon, California, (from June 4, 1978 (to June 16, 1978, (inclusive.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 296-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant David Winn)	$1,479.00	(Explosive Ordnance (Disposal Training (School at Huntsville, (Alabama, from April (16, 1978 to May 5, (1978, inclusive.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

WEEKLY SICK REPORT

		PREVIOUS WEEK
Daily average for the week sick	63	60
Daily average for the week disabled	101	100
TOTALS	164	160

This is an increase of four (4) members off duty daily from the previous week.

Daily percentage for the week sick	3.44
Daily percentage for the week disabled	6.31
TOTAL	9.75

Disabled at the start of the week	101
Started during the week	19
Returned during the week	14
Disabled at the end of the week	106
Net Gain or Loss	+5

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, MAY 24, 1977 AT 2400 HOURS:

Daily average for the week sick	82
Daily average for the week disabled	90
TOTAL	172
Daily percentage for the week sick	3.20
Daily percentage for the week disabled	5.41
TOTAL	8.61

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY, APRIL 25, 1978 AT 2400 HOURS:

Daily average for the week sick	57
Daily average for the week disabled	96
TOTAL	153
Daily percentage for the week sick	3.12
Daily percentage for the week disabled	5.91
TOTAL	9.03

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meetings of April 26, 1978, May 3, 1978, May 10, 1978, May 15, 1978 and May

17, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, one item. You have read in the paper, and we gave you a copy of a newspaper article, relative to taxicab permits. It stated, in effect, that the Police Department Permit Bureau will be accepting applications for taxicab permits and so on. I would like to explain that that article resulted because of the dedication of our Permit Bureau personnel in wanting to expeditiously do whatever they could in furtherance of Proposition K, however, as a matter of fact,a press release should not have been issued because we are not actively soliciting persons to make applications for permits. Therefore, it really wasn't appropriate to put out the press release however, the article in the paper, we have received some 180 application forms by individuals who are not really clear on what they have applied for. We don't know that they are either, that is, they made out the bare front sheet of an application form, and whether they were seeking a permit or whatever, we don't know. So what we are going to do, we are going to query those 180 persons as to what their intent was, whether they were asking the Police Commission to hold hearings on Public Convenience and Necessity which might result in new permits, or whether they were, in fact, applying for new permits should any be available. We will determine that by querying them. Another matter is, there are some 160 old applications outstanding which were filed in 1976 and in regard to which the Police Commission has not acted because there was a more urgent matter in regard to jitneys, and so on. So that what we are going to do then is, we will be meeting Friday with a representative of the City Attorney's Office to determine what action should be taken, if any, in regard to the old outstanding 160 permits, that is action by the Commission, or by Staff, and then to get a more clarification on the meaning and intent of certain sections of Proposition K."

Commissioner Siggins: "Are you talking about the applications that came in in 1976 for new permits that under the idea that public convenience and necessity required it?"

Chief Gain: "Yes, that was around the yellow cab issue at that time."

Commissioner Ciani: "Yes, they were converted, were they not, from one type of application to an application for permits, should they become available?"

Chief Gain: "Those applications then were applied for the Commission for to determine whether, based on Public Convenience and Necessity, there were need for more taxicab permits."

Commissioner Ciani: "Weren't those originally submitted for temporary permits and then converted?"

Chief Gain: "That's another matter."

Commissioner Siggins: "I think what happened is that the Department Policy had been to say we are not issuing new permits, isn't that right? And really, what they were supposed to have been doing was to....following the sections of the Police Code, have a hearing every time somebody applied. Right?"

Sergeant Frazier: "Well, what had been happening Commissioner, was that applications were not, in fact, being accepted until at such time the Commissioners were getting ready to hold Public Convenience and Necessity Hearings."

Commissioner Siggins: "Yes, in other words, the section says somebody applies and you have to have a Hearing, but, so we were saying, or the Department was saying, we are not having any Hearings, so it really wasn't following the Code and at the time we analyzed....said this is not being....I mean this whole thing has to be reconsidered and....."

Chief Gain: "These were appropriately deferred in 1976 by the Commission no doubt about that, I was just reporting that the matter was still outstanding."

Commissioner Siggins: "Yes, but I think we have got to be careful, we have to be careful about what we say in that letter because we are not... we still have to have Hearings of Convenience and Necessity to show that the....under certain standards that the service is not....you....know.....is desired and to give the opportunity to the people who have permits to protest. So....."

Commissioner Ciani: "I am a little confused about the status of the 160 and the status of the 180

people who came in last week. Do they have any kind of preference if a determination is made that there is Public Convenience and Necessity? Is there any requirement that we take them in order?"

Chief Gain: "Well the preference now, the preference now is as provided in Proposition K. You have a copy of the ordnance and the preference there is to previous drivers and so on."

Commissioner Ciani: "I know, but assume that part of each of these two groups consists of people who are presently drivers, do we have to give preference to them? Is this something that's within our discretion?"

Chief Gain: "Well, we are going to be getting clarification on that Friday. But again, what those applicants did then they were appealing to the Commission to have Hearings, that is what they were doing."

Commissioner Ciani: "Right, but these are applications."

Chief Gain: "Which are?"

Commissioner Murphy: "180."

Chief Gain: "As I say, we don't know what those are."

Commissioner Ciani: "Well, does it matter one way or the other if they say that they are applying? Does that given them a place in front of the line or is that something that we can decide? How are we going to deal with applications if we decide that there is Public Convenience and Necessity?"

Commissioner Murphy: "Excuse me, as I understand it we have 60 days to put...to develop a policy with respect to K. All the things K requires us to do, is that correct?"

Chief Gain: "Within 60 days, what we have to do is to obtain the outstanding permits and give them new permits. So we are going to do that pro forma, we are making out new permit forms, and so on."

Commissioner Murphy: "But after you have talked to the City Attorney then you will have a modis operandi of some sort, I assume, to give to the Permit Bureau so that they can proceed."

Chief Gain: "We are proceeding now. We met this morning and Chief Mullen is now working on the permit form. That's a simple matter under the Code what we have to do, we just have to have a new permit which will contain language, you know, prohibiting transfer according to Prop K....."

Commissioner Murphy: "Yes, but who are you going to give it to?"

Chief Gain: "The outstanding....the persons who now have permits. They just turn in their old permits and we give them a new permit. That's all that amounts to. That's a simple process for that."

Commissioner Ciani; "Excuse me, but I had asked a question that was not answered before Commissioner Murphy asked another question, I don't remember what my question was."

Chief Gain: "I do. The effect of the applications that were filed today, the 180, on Monday. Now, what happened was that the people came in response to the newspaper article and that said, in effect, 'The police department says come on in and make application for permits.' Now what occurred is the persons came in and with the regular application form they put down their name and so on on that form but did not put all of the information required by the Code. And the intent of the Permit Bureau, as I understand it in discussion this morning, was just have people come in and get their name on file, first come, first served. So now we have about 180 names with that piece of paper, and in fact, they are not bonafide applications because all of the information is not there to make up the application."

Commissioner Siggins: "Requirement for the application."

Chief Gain: "Yes, the requirement. They have to state, you know, numbers of vehicles and all of this other business. That wasn't done, so we don't know....we know what the intent of the bureau was, we don't know what the intent was in the mind of those individuals, so in fact, they are not bonafide applications."

Commissioner Siggins: "Now how did you describe it in the beginning, it was the enthsiasm of the Permit Bureau to implment section....."

Chief Gain: "I thought I said that well. I said it was the dedication and enthusiasm of the Permit Bureau personnel to further the provisions and implementations of Proposition K."

Commissioner Siggins: "In so doing they committed a boo boo of some kind."

Chief Gain: "I was trying to be very positive."

Commissioner Toler: "Chief, who determines the need for additional permits?"

Chief Gain: "The Police Commission."

Commissioner Toler: "Do we get a record from you as to how many we have out?"

Chief Gain: "Yes. You have to have hearings, you have to have hearings to determine Public Convenience and Necessity for any permits in addition to that which we now have, which this Commission has granted."

Commissioner Siggins: "And when there is an application the people who hold permits have a right to come in and protest that, see. They have a right to come before us and we have to....."

Commissioner Toler: "What I was trying to determine is how many cabs are now operating and we know are operating with a permit."

Commissioner Siggins: "We have that information, we will have it all here the next time somebody applies, and the people who make the application have the burden of proof of showing that by clear and convincing evidence that Public Convenience and Necessity require more permits."

Chief Gain: "There are 711 taxicabs."

Commissioner Ciani: "To get back to the distinction I was trying to make. If additional people come in now and apply, and fill out applications, you have to have the City Attorney determine whether the 180 who have already come in have any kind of preference over others who might be coming in in the future?"

Chief Gain: "No."

Commissioner Ciani: "Does the order in which they come in make any difference as far as entitlement to permits if they are available?"

Chief Gain (To Chief Mullen): "You say yes, why?"

Deputy Chief Mullen: "Because of the law. The law says first come, first served, if you are otherwise qualified, a driver for the last year, or you state that you are going to drive."

Commissioner Siggins: "Alright, I tell you what, this is a rather technical field....."

Deputy Chief Mullen: "'Subject to any other preference created in this ordinance all applications for a permit to operate a taxicab or other motor vehicle for hire shall be processed and considered in the order of their receipt by the Police Commission.'"

Commissioner Siggins: "Alright,Chief, you take the position now that there are no applications in, but....."

Chief Gain: "In fact, there are none. What we really have right now is an informal listing of names of persons who have expressed a desire to get a permit if permits become available. That's what we have because the applications are not complete."

Commissioner Ciani: "So you're not really accepting applications. That doesn't make sense."

Chief Gain: "Oh yes it does, given what happened, that makes good sense."

Commissioner Murphy: "Could I ask a question?"

Chief Gain: "Oh, here to clarify it, you have the material that was put out, okay, seeing what the Permit Bureau was trying to do in all good faith and ectera, was to tell drivers out there make application. And they were speculating there would be some number of permits available sometime in the future. So they said come in and sign up, so they came in and signed up. Now we know what the Permit Bureau had in mind and that was to get a listing of persons and that would be the priority first, second and third, okay? That's what the Permit Bureau had in mind, so that if permits became available the first person to sign up gets a permit if he meets all of these other requirements in the ordinance."

Commissioner Ciani: "But your position is that that is not an application and so we discard that list?"

Chief Gain: "Well, in fact, it's not an application because the application is not made out in proper

form. The substance is not there. It would seem that if eventually applications were to be received then certainly that list could be used as a priority by number because, you know, it's there."

Commissioner Ciani: "The only reason I belabor this point is that I can foresee some conflict among these various groups. You really have three groups, the 1976 group, the 180 who just came in and people who apply in the future and they are all going to be arguing that they have some kind of priority, so I just commend to you that the City Attorney ought to figure out who's got what priority."

Chief Gain: "The 160 previous ones, what they were asking for was the Police Commission to hold hearings, which is something different than making application for a new permit."

Commissioner Ciani: "Well, but I do think we ought to settle that so that we can authoritatively say to that group that that's the way their signing up is being treated."

Chief Gain: "That's why we are going to meet with the City Attorney on Friday, to get the whole thing cleared up."

Commissioner Siggins: "I think it is more complex than that, and I don't think you are going to clear it up in one meeting, but in the meantime let's not have any public announcements."

Chief Gain: "It's a clear understanding now that there will be no more."

Commissioner Siggins: "Commissioner Murphy, you do have a question about this."

Commissioner Murphy: "Oh no, I have.....it was about the 160, I thought it was important to determine what status they have too as to whether they were applications or just an inquiry. I assume you said the latter, that is, there was an inquiry about whether we would have a hearing which could be a sort of an application."

Chief Gain: "There was a request for hearing. The forms, clearly on top, the forms that were made out, these 160, clearly identified in effect they were petitioning the Commission to hold hearings to determine Public Convenience and Necessity. That's what those 160 were."

Commissioner Siggins: "And whether or not they would fulfill the requirements of Proposition K because there is a certain type of applicant that can make....there is only one certain type of application that can be considered under Proposition K. If 170 of them had not been driving themselves for the past three years they would be thrown out."

Chief Gain: "Well, we will meet with the City Attorney's representative on Friday, and we will give you a status report next week, if not before, in writing as to what is determined as of that time."

Commissioner Siggins: "Okay, anything more on that?"

Chief Gain: "Chief Mullen, did you want to say something, Chief Mullen?"

Deputy Chief Mullen: "I just wanted to make the point as the Commissioner did, as we look through those older applciations for requesting for Public Convenience and Necessity Hearings, many of them were corporations, many of them were obviously from people who were not operating cabs nor did they intend to. So we will have to cull through, I am sure, an awful lot of those will be cut out."

Commissioner Siggins: "Anything else Chief under this....."

Chief Gain: "No sir."

Commissioner Ciani: "I have a couple of questions."

Commissioner Siggins: "Do you have something Commissioner Murphy?"

Commissioner Murphy: "No, not on this subject."

Commissioner Siggins: "Of anything of the Chief?"

Commissioner Murphy: "Yes, I have, well it isn't really the Chief, it's of the Commission and the Chief. As I understand it we are going to have a Charter Revision Commission elected in November to propose Charter changes and simplification, etc., and I would like to propose that the San Francisco Police Department establish a Committee of officers representative of all ranks, and one Commission member, to examine the Charter where it pertains to the Department and come up with some suggestions and recommendations.

It seems to me this Charter Revision Committee is going to have a terrific job. Also, they might be like other Commissions in that the members really do not know enough or having enough time to come up with substantive changes that would be useful. And if the Commission does accept this, I would like to suggest that Commissioner Ciani be appointed as a representative from this Commission to take it on, if she will."

Commissioner Toler: "Commissioner Murphy, I think your idea ia a great one and I think that first of all I would like to find out from the Chief as to what his plans would have been if this motion had not been made?"

Chief Gain: "Well, what we would have done, in the ordinary course of things, is that staff would have made an examination of the Charter. We already have in mind some Charter Sections we would like to see changed and then we would have been submitting a Staff report to the Commission. I would have to state I have a little problem with a Committee comprised of members representing all ranks. I don't know how many that means."

Commissioner Murphy: "Well, that's one Patrolman, one Sergeant, one Inspector, one Lieutenant, and so on. Of course, there would be Captains anyway, and it seems to me the imput from the ranks has some merit to it, it wouldn't have to be too large, but it could be as representative as possible, and I think a working member of the Commission is important. It's fine to have something presented to us, all wrapped up in blue ribbons, but if we have a member of the Commission that is actually working with the group and sees the ins and outs, I think that has a good deal of merit too."

Commissioner Ciani: "Well, could I comment, I think a liaison to the Commission is a good idea but I think the Chief is probably going to make the point that if it is a committee (so that any action taken by the committtee would have to be by some consensus) it may be difficult to get a consensus. So, perhaps a liaison member of the Commission should consult with persons in the rank to help formulate the Commission's position, but that wouldn't necessarily be the same as the position of the employees or their own elected representatives. Doubtless they would be taking positions on anything that effects the Department anyway."

Chief Gain: "Well, if I may observe, we have at least three employee organizations POA, OFJ, S&I, Supervisory and Investigators Association. There are three. And those three just about cover all of our members. So, if we are going to entertain a committee, it might be advisable to think of getting representation from those employee organizations.

However, I know at least one of those employee organizations that has not, thus far, considered to ever meet with either one or the other two. May I suggest that we give this consideration and....."

Commissioner Murphy: "That's only the proposal, I just think we ought to be getting organized for this because otherwise they might come up with some kind of corny recommendation that we don't want or not cover items we do need to have changed."

Chief Gain: "I am glad you brought it up, because it would be one of these things we just keep deferring and never do it."

Commissioner Murphy: "Well, let's don't drop it, you know, like a cold."

Commissioner Ciani: "Why don't we put it on for next week."

Commissioner Siggins: "Oh we can put it on...let's put it on for about three weeks, we are still talking about something in November and then....."

Commissioner Murphy: "They have to get elected, then they have to get organized, and then the real work begins, but it just occurred to me that it would be important to get started on our part of the Charter."

Commissioner Siggins: "Let's keep it on the calendar and bring it along, but put it on for three weeks from now."

Commissioner Murphy: "I jsut don't want it to get lost like the handgun control thing got lost, that's already passed the Congress, we never did say anything about it so....."

Commissioner Siggins: "What passed the Congress...I never did get the information on that."

Commissioner Murphy: "I don't know, I heard that a copy of the legislation was sent out and....I just wanted us to write and say to do it, and have it, and so on."

Chief Gain: "I guess the problem was it did not pass Congress, huh?"

Commissioner Murphy: "Well, no it didn't, it lost. I'm sorry."

Commissioner Siggins: "Was it attached to a bill to build a dam in Arkansas, I never saw that legislation."

Commissioner Ciani:"It was a real hodgepodge bill, I think I sent copies around. There were a couple of sections dealing with the subject at hand and the rest was sort of a pork barrel."

Sergeant Frazier: "Well, if I may Commissioner, I spoke to one of the secretaries down at Congressman Burton's Office and she stated that what happened was that the bill passed, however, the funding to implement the bill did not pass."

Chief Gain: "That means it was approved in principle, is that right?"

Sergeant Frazier: "That's right. There is some conflict between the Treasury Department as far as their making gun law restrictions and Congress. Congress felt this was out of the Treasury Department's field."

Commissioner Ciani: "I have a couple of other points I wanted to raise. I was reading through the Field Operations Bureau Staff Meeting Report, and in line with disappearance of Commission microphones, someone seems to be collecting electronic equipment around the department. I was just shocked at the amount of equipment that seems to be disappearing. Over the last six years there is one figure quoted and there is another figure over the last 6 weeks. There must be some security system for checking in and checking out this equipment that could terminate this problem immediately. Do you have any comment on that?"

Chief Gain: "Yes, one has been implemented. Now what it amounts to very candidly is there were not appropriate inventory and security measures taken. So we have lost thousands, and thousands, and thousands of dollars of $1800 dollar pic radios."

Commissioner Murphy: "$99,000 dollars."

Chief Gain: "It's ridiculous, but now procedures have been implemented."

Commissioner Ciani: "Would you give us a progress report, say in a couple of months whether any more

equipment has been lost after you institute those security measures?"

Chief Gain: "Yes."

Commissioner Ciani: "It seems to me that we have a responsibility to try to protect the equipment that we struggled so hard to get funds budgeted for."

Commissioner Siggins: "What good is a pic radio to someone outside of the department?"

Chief Gain: "Someone outside of the Police Department?"

Commissioner Siggins: "Yes."

Chief Gain: "Well, one, just an interest, hobby type thing, listening to police radio calls and great numbers of people like to do that. And then, of course, if one wanted to for criminal purposes have one, you know, they could just hear the communications. That would be it. But those are, you know, they have a commercial radio that picks up, specifically, police calls, so it's just a matter of interest. I mean a lot of those things are deliberately stolen by people, pic radios, from police cars, I mean nationwide. They are stolen and they are sold."

Commissioner Siggins: "But do you think some of them are lost? I mean how can somebody go out and .....I mean these....somebody on patrol lose a pic radio which is worth more than a month's salary?"

Chief Gain: "Well, I tell you, I won't constrain myself, I think what happened is that some may be conceivably in the possession of police persons. I don't think these radios are stolen that were lost in the district station. The ones lost in the district stations, they weren't stolen by people outside the police department. Not indicating necessarily that they were stolen inside either, but if you just keep exploring what could have happened to them, they certainly didn't disappear in thin air. For example, one radio, it was found I guess two months after the incident, was turned in at a district station and they have a log so there was an entry in the log, the radio was turned in then the person who has to sign acknowledging that he received that radio, the handwriting is not discernible. It looks like someone deliberately just forged or scribbled the name. Now, you know, it would seem that something is wrong there. Sometimes these radios which are lost for one month, two months, three months, do show up again. They show up."

Commissioner Ciani: "Are they all identifiable by number?"

Chief Gain: "Yes, I would have to say this in regard to a majority of those radios that I could only conclude given alternatives of what could happen to them that they are inadvertently in the possession of police personnel who have them and don't know they have them or deliberately taken by police personnel."

Commissioner Ciani: "Well, let me ask, can they be used without the re-charging device that is in the station?"

Chief Gain: "Well, they would eventually have to re-charge them. Sure."

Commissioner Ciani: "Then they have to be re-charged every couple of days or so, don't they, depending on the age of the battery, so they really aren't that useful to anyone unless someone has a re-charger."

Chief Gain: "Which could be easily purchased, they are inexpensive. It's a very serious problem without question. But now we have implemented controls and we will give you a status report in two months."

Commissioner Ciani: "Okay, there is one other thing I want to bring up that Commissioner Murphy brought up a couple of weeks ago and which seems to be gaining more notoriety in the press. That is the traffic enforcement situation. I just want to suggest again that conrary to the implication in the articles in the paper which I suppose are serving a good purpose just in getting the issue out, the department is making efforts in this area. Then I would like to reiterate the suggestion that we move ahead to do some kind of public education as to the extreme danger in this city from people disregarding the traffic laws. Apparently there is quite a discernible difference between enforcement in Los Angeles and San Francisco according to Dwight Chapin, and if LA can get around this state law on quotas, I think there must be some way this department can do a better job."

Chief Gain: "The Los Angeles Police Department, in common with some others, where officers are issuing sufficient numbers of citations are not getting around the state law, it is a matter of the Los Angeles Police Department commencing about 1950, as a matter of fact, gave a lot of emphasis to rules and regulations, and motivating officers, and required officers to write citations, so there now it is a part of the lifestyle of that department where officers do, in fact, issue citations. There are other police departments in California that are that way. So what they started, some of them in 1950, 55 or 60, or whenever,is what we are doing now. They just did it before. So, as for example, we made efforts and are still making them. In 1976 for

all of the moving citations issued in our department 5% were issued by patrol, now it's 16% issued by patrol. Our goal is 40%. So we are getting there."

Commissioner Ciani: "And the balance is issued by what, solos?"

Chief Gain: "By solos."

Commissioner Ciani: "I did want to compliemnt you on the fact that the solos appeared to be just about everywhere on the 4th of July. They really were out in full force."

Chief Gain: "Depends on ones' driving habit and speed, I suppose."

Commissioner Murphy: "Depends on where she was too."

Chief Gain: "So we are making efforts as regards public safety education programs, we are working on that and in due time will have, hopefully, TV service spots and newspaper things and so on, and try to educate the public in regards to the accident problem and their responsibility in the necessity of driving safer."

Commissioner Siggins: "As I said before the Patrol Section of our Department can give the citizens a gift by self-motivation toward correcting the complaints of the citizens regarding traffic violations."

Chief Gain: "The day when I was issuing traffic citations every time I issued one, with perfect demeanor of course, I would smile and say, look at it this way, I am saving your life."

Commissioner Ciani: "Can't you still write citations, Chief?"

Chief Gain: "Yes."

Commissioner Ciani: "Have you written any?"

Commissioner Siggins: "Can we?"

Commissioner Ciani: "No, we have to be Deputized. I already asked whether or not I could have a book."

Chief Gain: "I guess we could deputize the Commissioners."

Commissioner Murphy: "Could I ask a couple of questions, I think the reports of the Staff meeting that Chief Taylor makes are just marvelous and very illuminating. He has a couple of things in here saying Captain D'Arcy commenting on the problems at Candlestick Park advised that the Giants had decided to hire off duty Police Officers,etcetera. What have been some of the problems at Candlestick, aside from firecrackers on the fourth of July?"

Chief Gain: "Everything."

Commissioner Murphy: "Really? Pickpockets....."

Commissioner Siggins: "There was a sniping....."

Chief Gain: "Oh there was a sniping and...you see one problem that developed that got into almost a matter of a riot, was that too many so-called sports fans during the game were drinking and getting drunk and fighting and officers were having a very hard time controlling them. So what has been done in that regard, there is an ordinance prohibiting persons bringing bottles in, you know, liquor. That's being enforced, but that was a big problem inside. It's ridiculous when people go for a sports activity to drink so much that you have got drunks all over the place, one problem. There is a problem of crimes being committed, purse snatching, particularly inside. Then outside the historical problem that with cars parked in the parking lot and on adjacent streets, there are substantial numbers of car clouts and so on. So we have to deploy really an inordinate number of police officers there giving the need to have them on the street."

Commissioner Murphy: "Do the Giants pay for that in their lease?"

Chief Gain: "No. No, they just as reported because of the extent of the problem have decided to hire off duty Police Officers for which they will pay. But other than that....."

Commissioner Murphy: "But all of the City Policemen that are there on duty are paid for just as if they were patrolling the streets of San Francisco."

Chief Gain: "That's right."

Commissioner Siggins: "But the off duty ones are paid...the City charges them....."

Chief Gain: "Yes, the off duty police are the ones that they are hiring, the 21. The Giants are paying for the 21 through secondary employment."

Commissioner Murphy: "Yes I know, but you said that they were being....that the administration was paying....."

Commissioner Ciani: "The Administrative Code section that we talked about regarding the secondary issue....."

Commissioner Murphy: "I understand that."

Commissioner Ciani: "is applied at Candlestick so that the Department is reimbursed."

Commissioner Murphy: "How much, the total amount?"

Chief Gain: "22% overhead."

Commissioner Murphy: "Oh, the 22%, okay, now I have another question on Richmond Station. It says that this...the Lieutenant at night says they are still having ghe usual problem of the young people congregating on Great Highway at night. What sorts of problems are those: Because, as I recall, there are no hamburger joints like Tick Tock or anything."

Chief Gain: "That particular topic of conversation, because I was there, was a matter that on the Great Highway at night time persons go there and park, and converse, and other things so that's what that was about."

Commissioner Murphy: "I mean there are no places like the Tick Tock and other places like that we've had problems before of gangs getting together and fighting other groups, etc. They just congregate out on the side of the road, is that it?"

Chief Gain: "Well right on the highway, right in the parking places there, yes. And sometimes they drink beer, and wine, or whatever it might be. So it is a crowd control problem, that's what that is."

Commissioner Murphy: "Yes, I see, okay and then one other, I am sorry to take this much time but it was interesting. It said the Muni Transit Police Lieutenant Goad stated they are still having the same problems concerning pickpockets, and he's continuing to detail 16 police in civilian dress to eliminate this situation. Lieutenant Goad advised that the strength of the Muni Transit Police Unit is down to 88. What should it be at full strength?"

Chief Gain: "103, one hundred and three."

Commissioner Murphy: "One hundred and three."

Chief Gain: "The problem of pickpocketing on Muni increased two or three months ago and when we saw it increasing what we did is put some of the officers in plain clothes so that they wouldn't be observed and they could observe persons pickposketing. Muni crime is down, the crime on the Muni."

Commissioner Murphy: "Yes, I know."

Commissioner Toler: "Chief I have one question regarding overtime, who determines whether one works overtime or not, or is assigned to extra duties?"

Chief Gain: "Well, of course, some time the nature of an officers activity forces him to work overtime in patrol if they are engaging in activity they obviously can't quit. Other than that, it is a matter....do you have reference now to the monies we asked for?"

Commissioner Toler: "No, I was just reading here in the overtime report regarding that Captains should know what is on the roll before it is submitted for payment or approval as well as paying."

Chief Gain: "Yes, the subject conversation where there was for Captains to fulfill a responsibility to know what reasons Officers are working overtime, just don't sign them blindly, in effect, that's what that was. What happens with our overtime, we have something.....$500,000 this fiscal year for overtime, and most of it is for court time, so people have to go to court and they get paid. Other than that, given particular problems in geographical area, the Captain, or Lieutenant, or what, will assign a person to work overtime to address a particular problem. So that's a deliberate assignment because the rule of the police department is that you don't work any overtime unless it is justified. So the whole point of those remarks was that Deputy Chief Taylor was telling his Captains, 'know what overtime is being worked because you are accountable for it, so don't just sign, look at what you are signing."

Commissioner Toler: "Thank you."

Commissioner Murphy: "I have one more request if no one else does, and that is I would like letters complimenting Sergeant Calabro and involved Staff in his Section and Sergeant Frazier and his Staff on the job....very difficult job they did in processing all of those applications for changing the ownership for the Cab Permits."

Commissioner Siggins: "Okay, who's going to write the letter to Sergeant Frazier?"

Commissioner Murphy: "Well I think...I will be glad to compose it if he will have it typed. I would like to have it written, if that is possible."

Commissioner Siggins: "Alright."

Chief Gain: "That will be a letter from the Commission."

Commissioner Murphy: "Yes."

Chief Gain: "I might say that a third entity equally deserving of a letter would be Deputy Chief Mullen, now perhaps you want to save....."

Commissioner Murphy: "I think so too, would you ....."

Commissioner Siggins: "I am blaming him for the announcement....(facetiously)"

Commissioner Ciani: "We will put it in his personnel folder. Is that going to do any good?"

Chief Gain: "I didn't mean that facetiously, it so happens that virtually every process that goes on here ultimately, if not in the beginning, it is Chief Mullen who's involved in that thing. So I just want to give him due recognition and every time I do he rejects it, as you know."

Commissioner Siggins: "Okay, anything further?"

Commissioner Murphy: "Don't you want to comment on the rape report and how it did not go up 25%?"

Chief Gain: "Yes, what happened is, for the month of May, that is the rape report, there was a 25% increase for May and one of our local papers.... will you hold that up there again? One of our local papers has the caption "RAPE SOARS 25% DURING '77.' as a matter of fact that was for one month. So I assume, inadvertently, whoever wrote that, you know, said the wrong thing. So tomorrow I am having.....a representative of the press here, we can expect a big headline in big type, ERROR IN PAPER, one of those minor things."

Commissioner Murphy: "Well, it isn't very minor when you consider how much effort is being made to get that particular statistic down."

Chief Gain: "Well, you know, it could be the people read that and they report more. I am going to be giving you some material in your mail Friday that...The Sexual Assault Section has been meeting with all of the organizations involved with rape prevention, and whatever, and what they indicated in their last meeting was, there seems to be a consensus that the increase in reported rapes is just that. An increase in reporting and not in the actual number of rapes occurring. So it's healthy, then, to have more reports. It would be more reflective of the actual situation, and then secondly, a consensus as far as the San Francisco Police personnel are concerned, that they are very adept and sensitive when it comes to processing victims and so on, which is good to know, because this department some years ago embarked on intensive training and cooperation with these organizations. So our personnel do an excellent job."

RECEIPT OF PROPOSED GENERAL ORDER FOR PREPARATION, DISTRIBUTION AND MAINTENANCE OF TRAINING BULLETINS. (COPIES SENT TO EMPLOYEE ORGANIZATIONS.) CONTINUED TO JULY 19, 1978.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Ciani: "I would like to move that the Commission adopt the recommendation of the Awards Committee and that we set a date at some convenient time to invite all of the persons who received these awards to come to the Commission. I would like to comment that in addition to the usual observations about what an exciting thing it is to preside at one of these meetings, the Captains maintained their usually high standards in giving these awards. I usually find myself at least one level ahead of the Captain's consensus. Also, it was very gratifying to me to see so many young officers nominated for awards. In fact, I think some of them are people who've joined the department since this Commission was appointed, which makes me feel even older. And I think it is very exciting for these new members of the Department to have such recognition at this stage in their careers. That was the most significant aspect from my point of view. So I would like a second to my motion."

Commissioner Toler: "I will second the motion."

Commissioner Siggins: "Okay, any further discussion? All in favor?"

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

Commissioner Siggins: "And now we shall set a date. How does that fit into your program?"

Sergeant Frazier: "Well, we can set a date two weeks hence, if the Commission desires?"

Commissioner Ciani: "Do we have any problems with the certificates?"

Sergeant Frazier: "We have a new Graphic Artist, I believe, and it shouldn't be any problem getting them prepared in the next two weeks."

Commissioner Murphy: "What do we have on the agendas for the next two weeks? Do we have any hearings, we have a hearing, don't we?"

Sergeant Frazier: "For next week, July 12th, we have a large Hearing. I don't know if it will be concluded at that time. If it is continued, then of course, it could run into that two week period."

Commissioner Siggins: "Well, they only take about 20 minutes or so for the Awards Ceremonies. Well, what do you want to do, put it over to the 26th?"

Commissioner Ciani: "That's alright with me."

Commissioner Siggins: "Put it over to the 26th for the Awards."

RESOLUTION NO. 300-78

RECOMMENDATIONS OF THE AWARDS COMMITTEE - APPROVED

RESOLVED, that the following-named members of the Police Department, be, and they are hereby granted Awards of Valor, Gold Medal, Silver Medal, Bronze Medal, and Meritorious Conduct Award, under

the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department as approved by the Awards Committee on Friday, June 30, 1978:

Police Officer David Brown-.....Gold Medal of Valor
resigned

Police Officer Stephen N. Bosshard.Silver Medal of Valor

Police Officer Daniel J. Ferretti..Silver Medal of Valor

Police Officer Stephen T. Gough....Silver Medal of Valor

Police Officer Joseph C. Kirley....Silver Medal of Valor

Police Officer Joseph S. Mayers....Silver Medal of Valor

Police Officer Jerry A. Salvador...Silver Medal of Valor

Police Officer John R. Sheehan.....Silver Medal of Valor

Police Officer Richard D. Adkins...Silver Medal of Valor

Police Officer Roddy J. Glover.....Bronze Medal of Valor

Police Officer Robert F. Martinez..Bronze Medal of Valor

Police Officer David A. McNerney...Bronze Medal of Valor

Police Officer Dennis L. Newcomer..Bronze Medal of Valor

Police Officer George S. Stasko....Bronze Medal of Valor

Police Officer Michael J. Morello..Meritorious Conduct Award

Police Officer Reno L. Rapagnani...Meritorious Conduct Award

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 301-78

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission held on Wednesday, July 5, 1978; and

WHEREAS, Chief of Police Charles R. Gain has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer David Brown (resigned) be, and he is hereby awarded a Gold Medal of Valor and granted a reward of $200.00 as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officers Stephen N. Bosshard, Daniel J. Ferretti, Stephen T. Gough, Joseph C. Kirley, Joseph S. Mayers, Jerry A. Salvador, and John R. Sheehan, be, and they are hereby awarded Silver Medals of Valor and granted a reward of $100.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officers Richard D. Adkins, Roddy J. Glover, Robert F. Martinez, David A. McNerney, Dennis L. Newcomer, and George S. Stasko, be, and they are hereby awarded Bronze Medals of Valor, and granted a reward of $50.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officers Michael J. Morello and Reno L. Rapagnani be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of $50.00 each as provided for under said section of the Charter.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

APPROVING AND AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO UNDER APPLICABLE PROVISIONS OF THE CITY CHARTER, TO APPLY FOR, ACCEPT AND ADMINISTER A GRANT OF FUNDS FROM THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FOR A PROJECT ENTITLED "INTEGRATED CRIMINAL APPREHENSION PROGRAM (ICAP) POLICE COMPONENT OF COMPREHENSIVE CAREER CRIMINAL PROGRAM."

Chief Gain: "Mr. Ray Galvan, the Project Manager for ICAP is here and if you wish, he can give you an overview or if you don't want that, respond to any questions you may have regarding the Grant. Would you like to have an overview?"

Commissioner Siggins: "I think that would be appropriate."

Chief Gain: "On page 27 of the application are the goals and Mr. Galvan following that outline will give you an overview."

Mr. Ray Galvan then gave the Commission an overview of the proposed Grant after which the Commission complimented him very highly."

Commissioner Ciani then made a motion to adopt a resolution including the Compliments of the Commission which were:

Commissioner Murphy: "You know I have read hundreds of these proposals coming from various sources and this is one of the most magnificent ones I have ever seen, it is just grand, it's great."

Commissioner Siggins: "I noticed Commissioner Murphy has 'magificent proposal' written in her notes and I have a note here saying, I think this plan would do credit to private industry the way it has been set up."

Commissioner Ciani: "Well, it's no wonder if you look at Mr. Galvan's credentials which are attached. Quite impressive!"

Chief Gain: "I am glad you took recognition of Mr. Galvan because he certainly is deserving of it. Had it not been for he and his staff we would not have been able to develop the Crime Analysis Operation that we have now."

The resolution for this proposal is as follows:

RESOLUTION NO. 297-78

APPROVING AND AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO UNDER APPLICABLE PROVISIONS OF THE CITY CHARTER, TO APPLY FOR, ACCEPT AND ADMINISTER A GRANT OF FUNDS FROM THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FOR A PROJECT ENTITLED "INTEGRATED CRIMINAL APPREHENSION PROGRAM (ICAP) POLICE COMPONENT OF COMPREHENSIVE CAREER CRIMINAL PROGRAM."

BE IT RESOLVED, that the Police Commission of the City and County of San Francisco does hereby approve and authorize the Chief of Police, under applicable provisions of the City Charter, to apply for, accept and administer a grant of funds from the Law Enforcement Assistance Administration, as follows:

$223,170 to continue the operation and further development of a crime analysis and training function with special emphasis on the career criminal.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

REQUEST OF MR. CHARLES LONG TO ADDRESS THE POLICE COMMISSION - CONTINUED FOR ONE (1) WEEK.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 302-78

REQUEST OF MR. JESUS V. LOSA, JR., FOR PERMISSION TO UTILIZE A TWENTY-FIVE (25) PASSENGER JITNEY BUS IN PLACE OF HIS CURRENT FIFTEEN (15) PASSENGER JITNEY BUS. - DENIED

WHEREAS,Mr. Jesus V. Losa, Jr., requested by letter through his attorney, Jeremiah F O'Shea, Jr., a hearing before the Police Commission for permission to acquire a vehicle that would accommodate twenty-five (25) passengers to operate as a jitney; and

WHEREAS, the Police Commission heard the matter at its meeting of July 5, 1978, receiving objections from Mr. Frank E. Bauer, Assistant Superintendent, San Francisco Muni Railway; and

WHEREAS, Mr. Bauer stated that the San Francisco Municipal Railway is as opposed now as they were when the matter came before the Police Commission on August 10, 1977; and

WHEREAS, Commissioner Siggins advised Mr. Jeremiah F. O'Shea, Jr., attorney for Mr. Jesus V. Losa, Jr., that he was of the opinion that once a matter, such as this, had been applied for and subsequently denied, that provisions in the Police Code would preclude his client from applying for the same permit within less than one year; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Jesus V. Losa, Jr., for permission to change his jitney bus van from the current fifteen (15) passenger vehicle

to a bus that would accommodate twenty-five (25) passengers, be, and the same is hereby denied.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

REQUESTING PERMISSION OF THE POLICE COMMISSION TO APPOINT FIFTY (50) Q2 POLICE OFFICERS TO THE NON-CIVIL SERVICE RANK OF SERGEANT.

Commissioner Siggins: "I've been waiting for this request Chief."

Chief Gain: "We submitted a letter to the Commission and we will respond to any questions you have to the point of President Siggins' remark. As we know we wanted to make appointments to the rank of Sergeant, in this case Temporary Sergeant, for some period of time. The constraint has been though that we made the management decision to keep Q2 police officers on the street for the direct delivery of police service as opposed to appointing them Sergeants, and in addition to that, there were some problems that are addressed in the letter of making sure we had LEAA clearance, and things of that nature. So, as stated here, we are asking initial paproval to appoint 50 Q2 police officers. It is our intention to appoint 37 on July 19th and we also state that the 37 will be composed of a combination of protected class members and others. And then I will be coming back to the Commission in due time, requesting further approval for appointments, so that eventually we will have all of our Sergeants vacancies filled."

Commissioner Ciani: "Well, how will this effect the Q2 strength on the street?"

Chief Gain: "Well, what it initially means is this, that by the appointment of 37 Q2 officers, basically in patrol, that we will be short that number in patrol. So it means then that, (1) the Sergeants who are appointed, as is done now, will also have to respond to calls if there are not Q2's present, however, what we are endeavoring to do through evaluation, is to evaluation of various positions now, is to find as many Q2 positions as we can in various units of the Department and try to get them in to patrol, and we are doing it, for example, in this way. We now have a Dog Unit, approximately 10 officers, and we discussed that unit before, about reducing it to 5, and we are evaluating now with the thought in mind that it may be necessary, in fact, to eliminate it. So that given

the need for Q2 police officers to provide the usual police services in patrol respond to calls it may be that we will have to put those officers in Patrol. We are evaluating the Community Relations Section again. We have approximately 6-Q2 officers there and it may well be that those officers will have to be assigned to Patrol with no abscense of the fulfillment of Community Relations activities because they will be assumed by District Station Personnel. And, as for example, these 6 officers in Community Relations could go to the various District Stations where they are now working in Community Relations, but have a dual role of working as patrol officers, and also fulfilling that function. We are evaluating the whole Crimes Specific Task Force, our Street Crimes Unit, and we will probably have to transfer a number of officers from the Street Crime Unit including, perhaps, some working in the Decoy operation in order to make up this void. It is basic in police work that we must have officers first in uniform in marked cars to prevent crime and respond to citizens called for services. So, when it comes to specialization, which Community Relations is, the Dog Unit is, and others, that they may well have to be reduced if we find that we can't respond to the call for services."

Commissioner Ciani: "Chief, don't the Sergeants that are on Patrol operate in one person vehicles?"

Chief Gain: "yes."

Commissioner Ciani: "So actually there is less of a loss of manpower on the street than 1 for 1. For every Q2 that you take out of a two person Q2 car, you're putting one in a Sergeant's car. Are there sufficient vehicles?"

Chief Gain: "Yes, there are vehicles."

Commissioner Ciani: "So, if they are utilized to respond to calls then you are really only incurring half of the loss."

Chief Gain: "Well of course...desireably your supervisors would not be responding to calls. I say they might have to. But desireably they would not. Because every time a Supervisor responds to a call, and himself has to handle that call, of course, then he can't supervise. So desireably they are free from responding to calls. But as with a Lieutenant, Sergeant, Captain or anyone else, regardless of rank when there is a need for immediate response and there are not Q2's to do it, they have to respond anyway."

Commissioner Ciani: "Well, on the subject of 2 person cars, is there further investigation into reducing the number of two person cars?"

Chief Gain: "Well we have numbers of one person cars now, of course."

Commissioner Ciani: "Do you think you have the maximum that you can....."

Chief Gain; "No, not necessarily, that type of an evaluation is on-going and has been further discussed even of late. So that will be done also. Certainly when we get to the point of filling these 75 vacancies, when we get it to 50 Sergeants and 75 Sergeants, then when it comes to some of these specialized units I see no other way they are going to have to go."

Commissioner Ciani: "The specialized units is one thing, but the two man cars, I think, is something that really deserves great scrutiny. I have gotten a lot of comments from members of the public who constantly ask why do we have two man cars when so many other Departments seem to have so few of them and get along just as well."

Chief Gain: "I can tell you why we have them."

Commissioner Ciani: "I know why we have them but I think we ought to continue to scrutinize it and see if we can do anything to improve the situation."

Commissioner Toler: "Chief, the first paragraph of your letter indicates here the appointments will be made from the informational roster. This informational roster, is it in rank order or how....what kind of roster, can you explain that please?"

Chief Gain: "Well, it's called the informational roster. Civil Service had an examination for Sergeant, but because that matter is tied up in court, that list was never certified by Civil Service, so it's informational, but we are taking persons from that list. Now, what we are doing is first, we are appointing 9-Q2's to equal the 9 protected class temporary sergeants we have. Now, then, three protected class members volunteered to become temporary sergeants so we are taking them next with 3 non-protected class sergeants in rank. They are going in rank order. The minority protected class persons are coming out of rank order. Then the rest will all be in rank order off that list. And hereafter will be in rank order off the informational roster. So, in effect there were only three persons then who were taken out of rank order off the informational roster. Only three."

Commissioner Murphy: "Could I ask you, are we recruiting new recruits now and what will be the speed with which we can fill some of these vacancies at the Q2 level?"

Chief Gain: "Well we started one class on the 26th of June, last month 59 persons and our next one will be, what November, in November, and then....."

Commissioner Ciani: "Are any of those persons female persons?"

Chief Gain; "No. We have no more female persons that will accept the position."

Commissioner Murphy: "We started the 26th of June and when will they finish?"

Chief Gain: "31 weeks later."

Commissioner Murphy: "31 weeks, wow."

Chief Gain: "31 weeks, so the next class after that will be in November. The next one is scheduled then to be in April, which would be a total of 180-Q2's hired during this fiscal year, however, based upon experience, we don't feel that we will get enough remaining persons on the eligibility list to have a school in April of 60 persons. So we met last week with Mr. Walsh of Civil Service....."

Commissioner Murphy: "You mean not enough people have been recruited to take the examination, is that it?"

Chief Gain: "They are waiting. We have a list now of about 250, but that list is now 4 years old and people have waived on that list, some have not responded when they were asked this last time, one is dead. So based on experience, we feel we won't have enough for the April class, so we met with Civil Service and asked them to have a certified list in April of next year. Now to the point of recruiting, we have also talked about that, we've been talking about it so we have committed ourselves to having a recruiting team of about 7 persons. We've designated a person to be in charge and they will relate with Civil Service which has the principal responsibility for recruiting. So right now Civil Service is working on the exam content, we've had conversations about that content for the examination and then what the recruiting efforts will be. They are now making a determination of what the cost factor is going to be to recruit, you know, TV advertising or whatever it might be. So we are going to go full bore. It's going to be a crash project, even, you know, to have a certified list by April. So that's where we are."

Commissioner Ciani: "Can you just tell me again, because I think I asked this question before, if people waive and you go through the list, at what point are you absolutely finished with the list? When you've gone back to everyone who has waived and they have waived again?"

Chief Gain: "Well, that list expires 1 July 1979."

Commissioner Ciani: "But it will be exhausted before it expires."

Chief Gain: "The current list. So what will happen is....we won't know, in fact, how many are going to waive, or be available until we start querying those on the list, do you want the job commencing our recruit school in April?"

Commissioner Ciani: "Is a waiver final, or is it temporary?"

Chief Gain: "It's temporary. They only waive for that particular recruit school and when we have the next recruit school we query them again."

Commissioner Ciani: "Okay, when you get to the bottom of the list and the last person waives and you still have vacancies, is the list thrown out then, or do you go back through the people who've waived and ask them once more?"

Commissioner Murphy: "They have three waivers, I think."

Commissioner Ciani: "Is it three chances to waive?"

Commissioner Murphy: "Three waivers."

Chief Gain: "Well I think they can waive continuously, right? They can waive continuously....."

Commissioner Ciani: "Yes, but when you have no one?"

Chief Gain: "Well, the bottom line will be for our school in April, the way we project right now, with the experience on waiver, and non-responses and whatever, it might be that for the class in November they will all be queried again. Now in November what we should do and will do, is, we will ask them more

pointed, are you going to ever take the job, we are going to have a class in April, will you take it then, but if we don't get a resolution then when we query them for the April school then that will be final, because they will be told by Civil Service, persumably, that this is the last school for this fiscal year. We are going to have a new list on 1 July, so if you want to take it you better take it. I guess they can kill the list. As a matter of fact, they can. That list was due to expire, as I recall, in February of 79 or initially March. And Civil Service extended it through July, so it would seem they would have the authority then to kill that list in April."

Commissioner Ciani: "Well is there any action required on it?"

Chief Gain: "Yes, a resolution is required, we have one attached. No we don't, just a motion then."

Commissioner Murphy: "I move the acceptance of this plan to hire these Sergeants."

Commissioner Toler: "I will second the motion."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 298-78

AUTHORIZING THE CHIEF OF POLICE TO MAKE FIFTY (50) NON-CIVIL SERVICE APPOINTMENTS TO THE RANK OF SERGEANT (Q50)

RESOLVED, that pursuant to Charter Section 3.501, the Police Commission of the City and County of San Francisco hereby approves the intended action of the Chief of Police to make fifty (50) non-civil service appointments (Charter Section 8.332) to the rank of Sergeant (Q50).

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 299-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $38,889.38, as follows:

Appropriation No.	8.161.110.000.000 Permanent Salaries- Uniform Force	$19,056.00
Appropriation No.	8.161.863.000.000 Mandatory Fringe Benefits	
From:	8.697.860.000	$ 4,789.95
	8.699.865.001	$ 443.88
Any legally available funds		$14,599.55
		$38,889.38

and credit it to the following appropriation in the amounts indicated:

Appropriation No.	8.161.900.000.000 Services of Other Departments	
Transfer to:	8.117.110.010	$32,584.70
	8.023.862.000	1,070.85
	8.697.860.000	4,789.95
	8.699.865.001	443.88
		$38,889.38

to secure the services of a Deputy City Attorney to work exclusively for the Police Department on the Officers for Justice, et al., case, for period July 1, 1978 to June 30, 1979.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

MR. FRANK LYNCH

At this time Mr. Frank Lynch requested to address the Commission.

Mr. Frank Lynch: "My name is Frank Lynch. I am an owner and operator of a taxicab permit out of DeSoto Cab, and first of all I would like to thank Mr. President and his fellow Commission members for the opportunity to address this Board, and also Sergeant Frazier for his consideration on the telephone. But anyway last June the 15th my wife and

I had reservations aboard Air Canada. We were flying to Calgary in the afternoon to go up and see a friend who is terminally ill of cancer and a few hours prior to this in the morning I was talking to a manager of our Cab Company, Mr. Penz of DeSoto, and he informed me of the flurry of throngs who were going down to the Police Commission to add a name, usually their wife, to their existing permit, in an attempt to offset some of the things on Proposition K. So what I did, I called the Commission before hand, I talked to a woman there, I called her from the Airport that very day and I went up to Canada. I returned... I wrote a letter...the next day and mailed it in Calgary, of which I have a copy, to the Police Commission to establish an earnest intent, you know, a reasonable intent to do everything possible to add this name. When I returned...when I returned June the 29th, I called the Police Commission again, I believe I talked to Sergeant Frazier, and it was Thursday afternoon at the airport. Then I came down to the Police Commission Friday, I tried to .....I went to the Fingerprint Bureau, I attempted to have my fingerprints taken, but there was a sign there saying that they weren't taking any more. So anyway, that's about where it stands, and my wife is here now. I would like to add her name to the permit, you know, in an attempt to offset Proposition K as you know we are big losers in that if it tolls up, so....."

Commissioner Toler: "Chief....or through the Chair, in a case like where a person made an effort to try to contact the office, and did, probably, to the day in which we heard the other cases, what consideration is given to a person who made the intent of trying to submit the application, but due to circumstances he was unable to do so?"

Chief Gain: "Well, at this point and time it seems that nothing can be done because if that .....Proposition K is now the law."

Mr. Frank Lynch: "I hear the figures were all over 30 days and 60 days, in fact, 60 days was mentioned here earlier in the evening, 60 days when this Proposition goes into effect."

Chief Gain: "That was a different issue though. Proposition K went into effect 10 days after the vote was certified."

Mr. Frank Lynch: "That's not true from what I heard, what are your.....Mr....."

Commissioner Murphy: "No, he's right."

Commissioner Ciani: "The 60 day period refers to the period during which you have to turn in your old permit and get a new permit, but that's just a ministerial procedure."

Mr. Frank Lynch: "30...did you say 30 days?"

Commissioner Ciani: "Isn't it 60?"

Chief Gain: "60 days."

Commissioner Ciani: "No you have a period of 60 days after Proposition K becomes effective, during which you are required by the new law to present your old permit and to get a new one to replace it-one that indicates that it is not transferable."

Mr. Frank Lynch: "Well what about this flurry of everybody coming down and adding their wives names?"

Commissioner Ciani: "Well they came down during the period between the election and the effective date which was approximately 30 days. It was measured by ten days after the Registrar of Voters certified the results of the election. That just happened to turn out to be about 30 days, and it was during that period that those people came in, but that period is over now."

Mr. Frank Lynch: "I was here on the 29th, no I was here on the 30th, the Friday after the day I returned."

Commissioner Murphy: "Mr. Lynch, one of the problems....."

Commissioner Ciani: "Publication problems....."

Sergeant Frazier: "Three successive days."

Commissioner Ciani: "Yes, there was insufficient time to meet the requirement of the law that the notice be published in a Newspaper of General Circulation, so this Commission couldn't entertain any application unless the publication requirement had been met. You would have had to come in earlier than that in order to meet the publication requirement of three days."

Mr. Frank Lynch: "Well what I meant.....what I am asking for is an exception, you know, due to physically being impossible, you know....."

Commissioner Ciani: "It is not within the power of the Commission to make an exception. The law is now in effect."

Commissioner Siggins: "Just the law as it stands today, Mr. Lynch, all taxicab permits issued by the City and County of San Francisco are the property of the people of the City and County of San Francisco and shall not be sold, assigned or transferred. Somebody trying to do that would be violating the law."

Mr. Frank Lynch: "Shall not be sold or transferred ....this is not considered a....this is an addition, an addition to my own name."

Commissioner Siggins: "Okay, well,.....that's..... the people voted that, and it's the law, and this Commission is not going to, and can't do it, can't do it."

Mr. Frank Lynch: "Then why would they allow it...."

Commissioner Siggins: "Well you should have been here.....but I think the record should show Mr. Lynch that you did write a letter from Calgary, we answered that letter and said....the letter said that you would have to apply, isn't that correct Sergeant Frazier, we responded and said that you have to be here and make an application."

Sergeant Frazier: "What we did, we sent out applications to his home. You see, we couldn't send it to Canada because there was no address, no forwarding address for Canada."

Mr. Frank Lynch: "Yes, there was nobody home."

Commissioner Siggins: "I can't very well....as a practical matter two of the Commissioners are here present tonight question whether or not it would do any good."

Mr. Frank Lynch: "Well that's another matter."

Commissioner Siggins: "Two of the Commissioners think that it might not do any good, and possibly that it might do you some harm. Okay you wanted to risk that particular thing, that's the first matter, and secondly, there are two of the Commissioners here who have consistently voted against such a type of transfer that you are trying to accomplish, meaning I think, you wanted the permit in your name to go into the name of you and your wife. If the same Commissioners who voted, voted against such, you wouldn't be able to get a transfer tonight anyway."

Mr. Frank Lynch: "Well let me ask you this question, since, since you said the law goes into effect immediately after passage of Proposition K....."

Commissioner Murphy: "No, we didn't say that."

Commissioner Siggins: "No, the law is in effect as we understand it, is in effect now. When the prior people came before with their request, what do you call an add on, or whether they call it, or we call it a transfer, they came before the effective date of the legislation, but now it is in effect."

Mr. Frank Lynch: "Well what was the effective date, how was that determined, 30 days, or what?"

Commissioner Ciani: "No, it was determined, as I said, by 10 days after the date on which the Registrar of Voters certified that the election results were correct."

Mr. Frank Lynch: "In other words all of these transfers were made within ten days after this certification."

Commissioner Ciani: "They were made during that period, yes."

Commissioner Murphy: "Mr. Lynch, I was one of the Commissioners that voted for this change of of ownership."

Mr. Frank Lynch: "Yes, I know."

Commissioner Murphy: "As was Commissioner Toler, but now I would not vote for your change request because it is after the second of July which was the last date that the old law was in effect and K became law. I couldn't possibly vote for a change now of ownership."

Mr. Frank Lynch: "This is July 2nd that it came ....."

Commissioner Murphy: "That it became actually effective, yes."

Mr. Frank Lynch: "Well I was here, June 30th."

Commissioner Murphy: "Well, I know, but you hadn't completed your application."

Mr. Frank Lynch: "Well, I wasn't allowed to."

Chief Gain: "Well, if I may comment, the Commission last met and entertained permits on the 28th of June, Wednesday, the 28th of June. The law became effective on the 2nd of July, you tried to make application on the 30th, right?"

Mr. Frank Lynch: "June 30th, yes."

Chief Gain: "And had that been accepted it would have taken 3 days notification in the papers, or whatever, so you wouldn't have made the deadline. But the Commission hasn't met since the 28th. So the law is now passed and there is nothing that can be done."

Mr. Frank Lynch: "Well doesn't beginning something even though.....it has to be begun and finished before that, in other words....."

Commissioner Murphy: "Mr. Lynch, we had a man here that night who had not made application. He had been in Ireland. He came in and we had not been able to publish the request as it is necessary to do in the paper, there was no way we could have changed it. He was right there that Wednesday night and none of us could vote for it because it would have been illegal. I am sorry."

Mr. Frank Lynch: "Okay, thank you."

Commissioner Ciani: "Mr. Lynch, I think it is agreed that there isn't anything that we can do. But we appreciate your coming here and stating your case. I don't know if you could get any relief from some other forum, but it's beyond our power to do anything right now."

Mr. Frank Lynch: "Well if there is any exception, to give you an idea of the importance of this thing, there is a great.....I have had this permit for 12 years....."

Commissioner Ciani: "We can't make exceptions because Prop. K is now the law."

Mr. Frank Lynch: "Sometime when you know the aggravation involved....but there was a great amount of money involved, and this time this is just a little possible gimmick like you say, you know....."

Commissioner Ciani: "We have no power to do it."

Commissioner Siggins: "What do you mean, a possible gimmick, I didn't understand that?"

Mr. Frank Lynch: "Well, like you say Mr. President, you know, this.....you say this thing may not do any good and, in fact, it may work against you. Well, nobody knows for sure how this thing is going to turn out, you know, and Proposition K, I am sure, is going to be opposed in court. But when you consider how much money was paid for these permits, it is quite a loss just on an election result."

Commissioner Siggins: "Well, we wouldn't know anything about your permit, anything about it, because there is no application that told us anything about it."

Commissioner Murphy: "Mr. Lynch, I understand that there is going to be a suit filed and you may want to inquire about that and join in it."

Mr. Frank Lynch: "I know all about that, yes, but I still think there should be some exception made for a person who physically made an earnest intent to do something about it."

Commissioner Siggins: "Well, what exception do you mean, you mean to violate the law? The law is in effect, you can't transfer it."

Mr. Frank Lynch: "Well, if a person has made a .....has evidence of a.....making.....and it is written down, there is evidence of an attempt, and he is not there, just like he physically can't do it, you know, and just out of luck, apparently. But if you....."

Commissioner Siggins: "I think you are.....very self-centered on the situation, first of all you have.....you are out of luck a couple of ways, you don't have the application in, you don't have enough votes on the Commission, and you also have the law against you. So....."

Mr. Frank Lynch: "Right, thank you anyway."

Commissioner Siggins: "Okay."

COMMISSION CORRESPONDENCE

Commissioner Ciani: "I have no questions on the correspondence."

Commissioner Murphy: "I have one question Chief on this Memorandum to all department heads from Milton Marks, the Chief Labor Negotiator, it says that, 'any employee organization expressly concerned over the possible actions that may be taken by the Department Heads pursuant to the direction pertaining to the Mayor's Emergency Proclamation,' what was your answer to this, orhave you answered it yet, or what will be your answer?"

Chief Gain: "Well, there is no need for us to answer it because we were not adversely effected. This relates to layoffs and so on. Our personnel strength is the same as last year. This was informational. You see it says please contact this office if you have any questions regarding this matter. And so, no questions."

Commissioner Murphy: "There wouldn't be a courtesy one saying we received your....."

Commissioner Siggins: "Well, it's just a memo I think, but Ithink we can take note that Mr. Mayers is back working for the City and he has some considerable experience in collective bargaining and especially working with the Memorandum of Understanding, and I don't know what the procedures are by which we might ask for his talents. When Supervisor Molinari was charged with the Finance Committee he offered the services of a labor negotiator that he had at that time and maybe we could still use Mr. Mayers....."

Chief Gain: "Yes, he was quite helpful to us before when he was here so we will certainly, if need be, and it probably will, call upon him again."

Commissioner Siggins: "Well, let's kind of prepare for that day when we might need him, kind of sound out as to what use we can make of his services, or I will ask him anyway, I will call him."

Commissioner Murphy: "On all of these Jitney request and so on, are we doing any planning on eventaully coming to grips with the Sightseeing Bus situation, etcetera ad infinitem, ad nauseaum?"

Chief Gain: "I suppose that would call for a status report from Hamblin Incorporated as regards to the transcripts."

Mr. Hamblin: "I recently suggested that the Sergeant sic the attorney directly onto the transcribers. Are they still handling it?"

Sergeant Frazier: "Yes, if I may Chief, we have the transcripts. We received them about a week or so ago. We turned them over to Inspector Patricia Byrnes in the Legal Office. She said she would have to examine them in the light of Proposition K, since it has now been passed."

Chief Gain: "It prohibits transfer to corporations."

Sergeant Frazier: "Prohibits transfer to corporations plus only one permit to each individual."

Commissioner Siggins: "Well, let's get us a status report next week on the matter."

Chief Gain: "Yes sir. We will discuss that, we will incorporate that in our meeting on Friday."

Commissioner Siggins: "May I ask the Commission to adjourn in memory of Firefighter James Desmond who gave his life in service for the City?"

Commissioner Ciani: "I so move."

Commissioner Murphy: "Second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

The Commission adjourned its meeting at 1945 hours in memory of Firefighter James Desmond.

SECRETARY

12 JULY 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 12, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Protest of Calvory Presbyterian Church for a white zone at 2420 Jackson Street.

The Commission having listened to testimony of the below listed persons speaking for and against the 66' white zone at 2420 Jackson Street previously granted at an earlier hearing by the Police Commission voted thusly on the following motion made by Commissioner Murphy: "I move that we revoke the White Zone on Jackson Street and ask the Church to use the current White Zone on Fillmore as their one loading and dispatching zone."

Commissioner Ciani: "Second."

Commissioner Siggins: "Any further questions? All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Officer Quaglia: "Commissioner if I may, for this white zone that will be revoked, may I suggest that the Church be allowed to put out their signs that they use for Sunday, every day, so that the area could be used in that manner?"

Commissioner Murphy: "Whenever the facilities are being used, they should be able to use the "no parking" signs."

Speaking to maintain the White Zone for the Calvory Presbyterian Church at 2420 Jackson Street:

Mr. John Lowrey

Persons requesting the deletion of the White Zone at 2420 Jackson Street:

Mr. J. Donald Pettus

Mrs. Carolyn Scherman

Mr. Thomas E. Ramsey

The request for the extension of the white zone at 2200 Sacramento Street was continued for one week.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1499 NORIEGA STREET - NEVIN ALLSTAR SPORTING GOODS

a) At 1499 Noriega Street, install a 22' yellow zone, to extend from west property line 22' east of same.

b) Remove meter #1423.

483 GUERRERO STREET - LAND MARK ASSOCIATION

a) At 483 Guerrero Street, install a 24' green zone, to extend from 24' north of south property line.

b) Revoke present yellow zone.

3045 ARMY STREET - MISSION BUSINESS MACHINES

a) At 3045 Army Street, install a 22' yellow zone, to extend east of west property line.

3921-3947 JUDAH STREET - SUNSET MEDICAL PHARMACY

a) At 3921-3947 Judah Street, install a 44' green zone, to extend from west property line 44' east of same.

717 CENTRAL - S.F.P.D.

a) At 717 Central, revoke existing 22' yellow zone, extending from south property line 22' north of same.

60 BROADWAY - UNITED SEED COMPANY

a) At 60 Broadway, revoke existing 45' green zone, extending from 6' to 51' west of Davis Street.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 91 feet of yellow and green zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 304-78

B. T. MALONEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of B.T. Maloney against the City and County of San Francisco in the sum of $265.85 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 14, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 305-78

ALOYSIUS E. SLINKERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aloysius

E. Slinkert against the City and County of San Francisco in the sum of $5.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 306-78

FRED BUTLER, ET AL

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Fred Butler, et al in the sum of $750.00 in Superior Court Action No. 649-724 entitled, "Fred Butler v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 6, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

No weekly sick report was presented to the Police Commission at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Mr. President."

REQUESTING PERMISSION OF THE POLICE COMMISSION TO ACCEPT A HORSE FROM MR. WILLIAM HAECHERL TO BE USED BY THE MOUNTED UNIT FOR REGULAR PATROL DUTIES - CONTINUED FOR ONE (1) WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REQUEST OF MR. CHARLES LONG TO ADDRESS THE POLICE COMMISSION - (CONTINUED FROM THE MEETING OF JULY 5, 1978) - CONTINUED FOR ONE (1) WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 307-78

HEARING OF MICHAEL ALLEN WINN, CETA, #1404 CLERK, PERSONNEL BUREAU

WHEREAS, the hearing of Michael Allen Winn, CETA, #1404 Clerk, Personnel Bureau, was called; and

WHEREAS, it was requested by Michael Allen Winn, that his hearing before the Police Commission be continued until after the criminal matter against him had been adjudicated; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Michael Allen Winn, CETA, #1404 Clerk, Personnel Bureau, is set for Wednesday, August 2, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 308-78

HEARING OF PATROL SPECIAL OFFICER RAYMOND ADKINS, MISSION POLICE DISTRICT

WHEREAS, the hearing of Patrol Special Officer Raymond Adkins, Mission Police District, was called; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Patrol Special Officer Raymond Adkins, that the hearing before the Police Commission be continued for one week at which time it would be calendared for the setting of a date for said hearing; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Raymond Adkins, is set for Wednesday, July 19, 1978, at 5:30 p.m., in

Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REQUEST TO TRANSFER $371,006 FROM THE CIVILIAN SALARY LINE AND $77,517 FROM THE FRINGE BENEFIT LINE TO THE UNIFORMED EXTRA DUTY LINE OF THE POLICE DEPARTMENT'S FISCAL YEAR 1978-79 BUDGET SO THAT AN EWW PROGRAM AMOUNTING TO THE EQUIVALENT OF 100 POLICE OFFICERS CAN BE FUNDED FOR ONE QUARTER OF A YEAR DURING SUCH TIME AS THE DEPARTMENT'S TRAINING CAPABILITY IS BEING ESTABLISHED TO AN ABSOLUTE CERTAINTY.

Commissioner Siggins: "Does it have to be acted on tonight?"

Chief Gain: "Yes, we learned late about the problem that this letter speaks to and it is rather necessary to act on it tonight, that's why we are asking you to entertain it as an added calendar item. Maybe I can just explain, in a summary statement, what it amounts to. As we are aware, we want for the current fiscal year budget to have budgeted certain amounts of money to fund an Extended Work Week Program. What actually occurred, we found, was that there was not a line item budget for that amount of money. The money is salary line. So what we are asking the Commission to do so to give the Chief of Police approval, which it can do under the Charter, to request the Controller to re-assign moneys from two other lines in the budget. $371,000 from Civilian salary line, $77,000 from the fringe benefit line of our budget to sworn overtime line, to fund an Extended Work Week for the first quarter of the year."

Commissioner Siggins: "This is overtime, is that right Chief?"

Chief Gain: "Overtime money. This is so that we can fund 100 officers working on an overtime basis to combat crime. Appendix II is a resolution which I would request the Commission to pass."

Commissioner Toler: "Chief, were the same dollars spent last year for the same type of services or what are the differences?"

Chief Gain: "Well, from a different source of funds we did have a similar program, yes. What this amounts to by way of further explanation because of our limitations, lack of training capability that we have talked

about many times, we feel we can not at this time hire additional police officers. So what we have asked for, which was agreed upon, was to use the money....use monies for an Extended Work Week. And we are going to, during this first quarter as we agreed to do, and the Board of Supervisors, make good faith exploration again as to whether we can increase our training capability, acquire a school site and extend our field training officers. So while we are making that study we are asking for this funding to be provided."

Commissioner Siggins: "Chief, the letter says it is taken from the civilian salary line though."

Chief Gain: "It is because there is a surplus there too. There will be.....there are surplusses accruing in that line and surplusses accruing in the other line identified at this time. So we are taking it from two different lines."

Commissioner Ciani: "There isn't any surplus in the uniform salary line?"

Chief Gain: "Yes, we are not touching that. We have chosen, because there are surplusses in 3 lines, to take the surplus from the civilian salary line, and it is a surplus, and from the fringe benefit line....."

Commissioner Ciani: "Well, is the reason for that that you don't need any more than the approximate $440,000 that that will produce?"

Chief Gain: "Yes, for the first quarter, that's right. It's the surplus for the first quarter."

Commissioner Ciani: "And so the surplus that you are taking from these two lines is also for that same quarter?"

Chief Gain: "Just for the first quarter only."

Commissioner Ciani: "Okay."

Chief Gain: "And we will, assuming, and we feel that we will have our whole study over again as to whether we can hire new officers. That will be completed during the first quarter, and before the end of the first quarter, we will be coming back to the Commission with a request for a larger allocation of money from the appropriate lines in the budget."

Commissioner Ciani: "Would it be appropriate to

amend this proposed resolution to refer to the civilian salary and fringe benefit lines? It just says salary and fringe benefit lines."

Chief Gain: "Yes."

Commissioner Siggins: "It would be appropriate, huh?"

Chief Gain: "Sure, it would be fine. What you authorize me to do is write a letter and....."

Commissioner Sanchez: "it already says that, doesn't it?"

Commissioner Ciani: "It doesn't in the whereas clause."

Commissioner Toler: "I would move approval."

Commissioner Murphy: "Second."

Commissioner Siggins: "Seconded by Commissioner Murphy."

Commissioner Ciani: "I assume the text of the motion is as it appears on Appendix II of the Chief's letter."

Commissioner Siggins: "Alright, all in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 303-78

REQUEST TO TRANSFER FUNDS - APPROVED

WHEREAS, the Police Department has the need for additional police officers to combat crime problems in the City now; and

WHEREAS, the training capacity of the department is totally saturated at this time as presently constituted; and

WHEREAS, a surplus is accruing in our salary and fringe benefit lines; therefore be it

RESOLVED, that pursuant to Charter Section 6.305 the Police Commission hereby gives its approval to the Chief of Police to send a letter to the Controller requesting his authorization to transfer $371,006 from the civilian salary line and $77,517 from the fringe benefit line to the uniformed extra duty line of the police department's fiscal year 1978-79 budget so that an EWW program amounting to the equivalent of 100 police officers can be funded for one quarter of a year during such time as the department's training capability is being established to an absolute certainty.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CONTINUATION OF THE HEARING OF CAPTAIN J. WILLIAM CONROY. SUPPORT SERVICES - COMMUNICATIONS.

The matter of the hearing of Captain J. William Conroy, Support Services-Communications, was called, it having been continued from the meeting of June 21, 1978.

Captain J. William Conroy appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence Wilson, Attorney at Law, appeared as the Prosecutor for the Police Department.

An opening statement was made by Mr. Stephen Bruce Bley, Attorney for the Defense.

The following-named witnesses appeared for the Defense, were sworn and testified:

Lieutenant Edward Epting
Park Police Station

Police Officer Ray Carlson
Park Police Station

Police Officer John McClellan
Park Police Station

Sergeant Peter Alarcon
Support Services Bureau

The following exhibit was entered into Evidence by the Prosecution:

Exhibit No. 1 - Captain's Order No. 11
Dated Thursday, August 18, 1977
Subject: Appointment of Temporary Sergeants

The Commission then adjourned at 2157 hours, and the matter was continued to Wednesday, August 9, 1978 at 1730 hours, in Room 551, Hall of Justice.

Recess taken during the hearing of Captain J. William Conroy:

2026 hours to 2047 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart C.S.R.)

AYES: Commissioners Ciani, Murphy, Toler, Siggins

ABSENT: Commissioner Sanchez

The Commission adjourned its meeting at 2152 hours.

Willie E. Frazier
SECRETARY

19 JULY 1978 REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 19, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Siggins

ABSENT: Commissioners Sanchez, Toler

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

45 FREMONT

Officer Quaglia: "Commissioners, if I may on item #6 of tonight's calendar for the 45 Fremont Building, they have withdrawn part of their request. It is for a 59 foot white zone from 106' to 165' south of the end of the north driveway. The reason they had asked for it in the first place was because, seeing the city was reluctant to tear up the brick sidewalk to put in meters, but has now reconsidered, they will put in meters in that area so that this white zone was withdrawn. They still want the 66' one at the corner where the doors to their building are.

45 FREMONT - 45 FREMONT BUILDING

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

2200 SACRAMENTO STREET - PACIFIC HEIGHTS TOWER

In the matter of the request for an extension of 44' of white zone at 2200 Sacramento Street, a Mr. Byrne, President of the Condominium Association appeared before the Commission and stated that they were just recently informed that the Police Depeartment's Traffic Survey Division was recommending a denial of their request. He stated that because of the closing of several of the Emrgency Hospitals that this would put more stress for parking as more people would be coming to the Presbyterian Hospital and parking all day. He stated that the Condominium

has about 30 - 50 cars in and out all during the day. He further stated that commercial vehicles providing services for the residents would be using it also and that Fire Chief Andy Casper would attest to the importance of this being granted because of current blockages of traffic by busses and other vehicles not having adequate zoning to load and unload at this location.

Commissioner Ciani stated that parking is very difficult in that neighborhood and that white zones are not supposed to be used for commercial vehicles such as television repair trucks. She stated that if the zoning they have now were used properly, it would be sufficient.

After further discussion was had on this matter, Commissioner Murphy moved that the request for 44' of white zone be granted in part, that is 22' of white zone extension to the present white zone be allowed, but not the full 44'.

AYES: Commissioners Murphy, Siggins

NAYS: Commissioner Ciani

NOT VOTING: Commissioners Sanchez, Toler

The Seward Street matter carried over from July 5, 1978 was approved with the exception of #4 with the provision that the Survey Division make inquiry as to whether there is that much need for the 18' red zone requested at that particular location on Seward Street.

7 SEWARD STREET - CITY & COUNTY OF SAN FRANCISCO

a) At 7 Seward Street, install an 87' red zone, extending from 15' to 97' west of Douglas Street.

51 SEWARD STREET - CITY & COUNTY OF SAN FRANCISCO

a) At 51 Seward Street, install a 25' red zone, extending from driveway at #51 west 25' of same.

84 SEWARD STREET - CITY & COUNTY OF SAN FRANCISCO

a) At 84 Seward Street, install a 25' red zone, extending from 14' to 39' south of north property line.

*64 SEWARD STREET - CITY & COUNTY OF SAN FRANCISCO

a) At 64 Seward Street, install an 18' red zone, to extend from driveway at #58 - 18' west to driveway of #64. DENIED.

AYES: Commissioners Ciani, Murphy, Siggins

*NOTE: DENIED.

NOT VOTING: Commissioners Sanchez, Toler

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

78 BUCHANAN STREET - SKYLINE REALTY

a) At 78 Buchanan Street, install a 26' white zone, to extend from 51' to 77' south of north property line.

1401 JONES STREET - SKYLINE REALTY

a) At 1401 Jones Street, install a 22' white zone, to extend from 20' to 42' north of south property line.

1501 LEAVENWORTH STREET - SKYLINE REALTY

a) At 1501 Leavenworth Street, install a 22' white zone, to extend from 15' to 37' north of south property line.

598 VALLEJO STREET - NEW CHINATOWN PLUMBING & HARDWARE COMPANY

a) At 598 Vallejo Street, install a 22' yellow zone, to extend from 6' to 28' east of west property line.

45 FREMONT - 45 FREMONT BUILDING.

a) At 45 Fremont, install a 43' yellow zone, to extend from 165' to 208' south of south end of north driveway.

45 FREMONT - 45 FREMONT BUILDING

a) At 45 Fremont, install a 66' white zone, to extend from 15' to 81' south of south end of north driveway.

525 GOLDEN GATE AVENUE - STATE COMPENSATION INSURANCE

a) At 525 Golden Gate Avenue, revoke existing 45' white zone, extending from 10' west of to 35' east of the west building line.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 45 feet of white zone, at the part of the City, at the location submitted, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

RESOLUTION NO. 309-78

PHILIP J. JAMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip J. James against the City and County of San Francisco in the sum of $22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 26, 1977

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

RESOLUTION NO. 310-78

JACQUELINE M. TEELE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jacqueline M. Teele against the City and County of San Francisco in the sum of $38.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 27, 1978

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

RESOLUTION NO. 311-78

LEON C. BRENNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leon C. Brenner against the City and County of San Francisco in the sum of $775.41 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: January 18, 1978

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

THE CLAIM OF GILBERT J. STEPHENSON, GUARDIAN AT LITEM FOR EDWARD J. STEPHENSON AND THEIR ATTORNEY DAVID P. WEAVER, JR., IN THE AMOUNT OF $25,000.00 - ADVISED BY THE COMMISSION THAT THE MATTER WOULD BE REFERRED TO THE CITY ATTORNEY FOR AN OPINION - CONTINUED OFF CALENDAR.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

RESOLUTION NO. 313-78

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $6,000 charging same to Firm No. 355081 2010 133 01 as an advance on the Police Narcotic Fund for July, 1978.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

RESOLUTION NO. 314-78

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to drawa voucher in favor of Chief of Police Charles R. Gain in the amount of $4,000 charging same to Firm No. 355081 2010 132 01 as an advance on the Police Contingent Fund for July, 1978.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

WEEKLY SICK REPORT

No weekly sick report was presented to the Police Commission at this time.

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meeting of May 24, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, I would like to relate to you that this morning I appointed 33 temporary sergeants. And just to give you an updated status report as we had discussed before, we had, until the appointments this morning, approximately 75 vacancies in the rank of sergeant. So this morning we appointed 33 temporary sergeants. Then, hereafter, as we get cleared vacancies, we will appoint further temporary sergeants until we have all of that rank filled. However, as a consequence of vacating Q2 positions in various units, particularly Patrol, we found that the appointment of the 33 sergeants resulted in about 26 police officers from Patrol being appointed, consequently creating vacancies in our basic crime fighting unit. To compensate for that vacancy factor of police officers in Patrol, we, and I related to the Commission a few weeks ago, that we would probably have to transfer numbers of officers from other units to patrol so that we will have police officers in our marked cars and in uniforms to provide basic police safety services to citizens.

Five officers were transferred from the Community Relations Unit to Patrol out of a total of seven in that unit. So there are two remaining. And those five officers who were transferred were transferred to a geographical area in the Patrol District Station where they had previously worked in their capacity as Community Relations Officers. There is a clear understanding, because we had a Captain's meeting with the five officers present, that it will be the responsibility of the District Captain in these particular District Station areas, to insure that whatever activities were being undertaken by these Community Relations Officers in those areas will be fulfilled hereafter by the District Captain by, either using these officers, Community Relations Officers, or any other uniformed officers to provide the service needed by citizens. Each of the five officers who were transferred completed, as of yesterday, a status report on all outstanding problems that they had been working with. Copies of those reports have gone to Deputy Chief Jeremiah Taylor, to each District Captain concerned, so that the Captain now knows what uncompleted work and on-going work he has to fulfill. The two remaining officers in that unit will have a two-fold capacity, one will be to receive telephone calls, other complaints, or information from citizens that would ordinarily be relating with Community Relations Unit and then they would be the vehicle for transmitting the identified problem to the appropriate District Station for resolution and again the District Captain will use whatever uniform officer he feels appropriate to fulfill the responsibility. The five officers who were transferred will not serve as specialist Community Relations Officers in those districts but rather as Uniform Patrol Officers as

any other. But of course, because they do have contacts and information and abilities, the Captain can use them if he so chooses. So there were five.

Then we took 10 officers from our Street Crime Unit and transferred them to Patrol Again for the same reason, because our basic and most important component in the police department is the Patrol Division. We have to keep those ranks filled and that means, then, as important as the Street Crime Unit, particularly the Decpy Operation, has been , we must vacate 10 and have done so. Then in our Dog Unit where we had 9 police officers, two of those officers became temporary sergeants and will serve in that capacity without dogs. The remaining 7 have been assigned, transferred to various District Stations where they will operate as uniformed police officers but will have a dog with them rather than working alone or having a partner with them. So their basic job will be that of all of our other uniformed officers in Patrol, responding to called for services by citizens and other type activities. If there is a need at any time for an officer with a dog to conduct a building search then, of course, they can be assigned anywhere throughout the city to fulfill that responsibility. That then was a total of 22 officers who have been reassigned from specialist units.

We will, in approximately 10 days, be appointing approximately 10 Assistant Inspectors. The Commission has previously approved the appointment of 5 Assistant Inspectors and I have been witholding appointments for various reasons that we discussed. And we want to appoint those five and I will be asking for approval to appoint an additional five. That means that probably in two weeks there will be 10 more Q2 police officers taken from Patrol and they will become Assistant Inspectors. It will be necessary then, and we are already doing some analyzing and evaluating to the extent that we can, to further deplete specialized units with the objective of assigning them to Patrol. The basic premise being that in any Police Department, the Patrol Uniform Force is the most important in the crime fighting function and unit of the Department. So that when we find we have vacancies there then we must de-specialize in order to get our generalist police officers on the street. Last comment, that again, it is our intention to continuously appoint Assistant Inspectors up to a number of about, what, 45....50? Fifty vacancies. We will continuously appoint them as we get cleared vacancies, taking Q2's off the street we will continue to appoint temporary sergeants, there will be about 40 of those in time, until eventually we will have all of the investigative positions filled and our supervisorial positions filled. End of report."

Commissioner Ciani: "I have a question about something that was included under your tab. Are these things for which the person was suspended actually in the Rules, such as carrying packages?"

Chief Gain: "Yes, oh yes. Yes, it's against the Rules to carry packages. What that connotes is going shopping on duty and things of that nature. Yes that's proscribed."

Commissioner Ciani: "Okay, thank you."

Commissioner Murphy: "I have a couple of questions, if I may Chief. You sent us a memorandum, well actually it's to Deputy Chief Mullen from the Legal Office, we have a copy of it and it's on the status report of Sightseeing Bus Convenience and Necessity Hearings and on the second page in the second paragrpah it says new criteria and states; 'That the Commission may consider such facts as it deems pertinent but must consider whether,' and it's a,b,c, and so on and d, 'the applicant will be a full time driver within the meaning of Section 2b of the Ordinance for the taxicab and other motor vehicles for hire.' Does this refer to Greyline and other kinds of busses? In other words, what does this do to the Tour Bus Sightseeing....."

Chief Gain: "The existing drivers, nothing. In the future all drivers that become drivers under Proposition K. We gave that to the Commission last week in that form because it was a due date to give it to the Commission, and our intention was to give it to the Commission, and we assumed that as an appropriate Police Commission meeting here would be a thorough discussion. The recommendations on the document are those of the legal persons. So I think this should probably be calendared for a thorough discussion."

Commissioner Murphy: "Well, I would like that very much because there are quite a few, seemingly notty problems in here, and I will be glad to....."

Commissioner Siggins: "Well, let's put it on the calendar next week."

Commissioner Murphy: "Then I have another one, in the paper on 7/8/78, I have had it all of this time, 'Passengers beat woman muni driver.' Apparently 3 people got on the bus and she asked them to turn the radio down and they didn't do it, they got mad at her and so as the got off the bus they beat her up. The action was terrible of course, but the part that worried me about this is that there was a Muni Guard on the bus and apparently he didn't help her. At least that is what the newspaper article says. He didn't do anything, just sat by and watched this happen. Normally, wouldn't they interfere, or

interject themselves, or what?"

Chief Gain: "I would assume they would, I am sorry I don't have the particulars on that, we will have to get them and report to the Commission."

Commissioner Murphy: "I will give you this. Then in your letter of July 12th to the Commission on the status of the budget, it says on the second page, 'As agreed at a meeting of the Board of Supervisors we are re-assessing our training capabilities with our training staff and our Field Training Officer Staff. Which meeting of the Board of Supervisors are you referring to there?"

Chief Gain: "We are referring to the meeting where it was regarding the Jarvis Gann Budget discussion where the Board was entertaining that that is what we were referring to. If I may state, the Police Commission passed that at our request last week, however, it's for various reasons, we will be stating in a letter not being acted upon, we are going to re-submit a supplemental budget request next week and then we can go into more detail. What we did with this one is we designated certain funds from I think surplus civilian salaries as projected in another line. We are going to submit a new one and that will take money from the Q2 salary line."

Commissioner Murphy: "And put it on the EWW, is that correct?"

Chief Gain: "Yes, create an EWW line at $400,000 for the first quarter of this year, fiscal year."

Commissioner Murphy: "Yes, well what I was interested in is the fact that you know we made, at the original budget hearings before the Board of Supervisors, quite a point of the training needs of incoming officers, and promotional officers, and so on. You stated it would be very difficult to train additional staff and I agree. Would this re-assessment of the training capability mean that, in fact, more officers can be trained than first anticipated?"

Chief Gain: "Here are some of the elements. At that meeting....were you at the meeting when we had that discussion, our lengthy discussion....I did with Supervisor Feinstein?"

Commissioner Murphy: "Yes, yes I was, that's what I was thinking about."

Chief Gain: "The basic issue was there that we had proposed many times, many letters to...our proposal

was to adopt an Extended Work Week program for the whole fiscal year at the cost of 1.8 million dollars, and what some members of the Board wanted was to hire additional officers and during the discussion, what was said to us was, in effect, okay we will approve EDW with a proviso that you undertake a good faith effort again to evaluate your training capabilities to see if we can't hire new police officers, and if you do find that you can hire additional police officers, then the money would be used for that as soon as you made the determination and no longer for EWW program. Now then, we committed ourselves to engage in a good faith effort, and now here are the elements that we are evaluating, one, our training capability from the standpoint of numbers of training staff, if we double our staff then we could increase the numbers of officers trained, entire number of officers provided, number two, that we had an adequate facility. Now that's another factor, right now, our training facility is split as between space in the Hall of Justice and Treasure Island. The logistics are horrendous. What we are trying to do now, is to rent a school, specifically Fremont School where we would have one site which would accommodate all of our training needs. And we are in the process of discussions and negotiations for that school. One impediment is that the school people want between $100 and $120,000 per fiscal year for rent."

Commissioner Murphy: "Is that all the closed schools?"

Chief Gain: "Yes, Fremont that will be closed. Now that's per year. Just for rent. In addition to that there will be plant maintenance cost, janitorial cost, alteration cost, whatever. So we are talking with them and we are hoping that they won't charge us anything. But it appears that they have a policy that somehow, what.....they charge themselves."

Deputy Chief Mullen: "They pay rent and they expect people as a separate governmental entity to pay them rent."

Chief Gain: "Okay, so anyway that is another component of the problem, now a third one....."

Commissioner Murphy: "That was the one we talked about to the Mayor and they said they thought they would try to see if they could negotiate."

Chief Gain: "Well, we are having on-going discussions about that. Now a third problem is whether in respect to the current Q2 eligibility list, whether we will have enough persons take the job off of that list. And right now it appears

because people,.....we are undergoing the oral interview process in order to find out how many of those Q2's on that list will take the job in our November class of 60 persons, and we are concluding, because not many are responding to our request to come and undertake the oral interview, that we may not be able to get enough Q2's off this present list to start a class of 60 in November, now whether we are....."

Commissioner Siggins: "You mean you would start a class without....the lesser number than 60?"

Chief Gain: "Yes, a lesser number. It would be realistic to start a class with 20 or more, or even 15 or more. If we get below 15 there are real problems. But we will probably start one with 10 just to get them. Now what we are doing is we are meeting with Civil Service which has the responsibility for basically recruiting and determining examination content, and whatever, and we also have some assistance from LEAA, some expert technical assistance, and we are meeting with them for the purpose of a final determination as to the content of the Audio Visual Component of the entrance examination, the physical agility test, and our whole recruiting program, and their next meeting is on Monday. Toward the end of determining when can we have the next certified Q2 list, eligibility list, and whatever that date will be, will be determined by how long it will take us to recruit, how much time necessary will be needed to afford persons practice time on the Audio Visual, Physical Agility, or whatever it may be. Hopefully, we will consumate that process next week, or the week after, and then put out an announcement, and have an exact date of starting the recruitment, and then when that will terminate, when the examination will be and, ultimately, when we will have a certified list. We would like to have one now in February. Before, it was April 1. So we will know, probably within two weeks. So these are some of the factors involved as to whether we can hire additional Q2's."

Commissioner Murphy: "But this agreement to re-do it was after Jarvis-Gann passed....with the Board of Supervisors, or was that prior to?"

Chief Gain: "No, that was after."

Commissioner Murphy: "Fine, well hopefully, we will make it."

Commissioner Siggins: "Any other questions of the Chief? Okay, next item please."

RESOLUTION NO. 312-78

PROPOSED GENERAL ORDER FOR PREPARATION, DISTRIBUTION AND MAINTENANCE OF TRAINING BULLETINS - APPROVED.

RESOLVED, that the Police Commission hereby adopts the department staff proposal general order on training bulletin preparation, distribution and maintenance.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

RESOLUTION NO. 313-78

AUTHORIZING ACCEPTANCE BY THE SAN FRANCISCO POLICE DEPARTMENT OF A HORSE FROM MR. WILLIAM HAECHERL

RESOLVED, that the police department accepts with gratitude a Morgan horse named Big Red from Mr. William Haecherl for use by the Mounted Unit for regular patrol duties and hereby transmits a resolution to the Board of Supervisors which will permit the department to accept the gift.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

REQUEST OF THE FOLLOWING NAMED PERSONS FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF THEIR JITNEY BUSES FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS: EUGENE BRENNER & MENDEL MILSTEIN - CONTINUED FOR ONE (1) WEEK.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

RESOLUTION NO. 314-78

ANNEXING PRESIDIO TERRACE, PRESENTLY NOT A PART OF ANY PATROL SPECIAL BEAT, TO PATROL SPECIAL OFFICER

RALPH GREBMEIER, RICHMOND POLICE DISTRICT - APPROVED

RESOLVED, that the request of Patrol Special Officer Ralph Grebmeier, for permission to annex Presidio Terrace, presently not a part of any patrol special beat, to his Patrol Special Beat No. 34, Richmond Police District, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Sanchez, Toler

REQUEST OF MR. CHARLES LONG TO ADDRESS THE POLICE COMMISSION - (CONTINUED FROM THE MEETING OF JULY 12,1978).

Commissioner Siggins: "I have been considering the problem that you have, and the fact that you sent a letter to the Commission to transfer that, and we are now defendants in a law suit that have been brought by two different groups in connection with asking us to enjoin.....being enjoined from enforcing Proposition K, so that means that if the court hears that and enjoins us on August 7th, I think is the date of the hearing, there might be some change. I have proposed that we write to the City Attorney and ask him a question on whether or not we can make a transfer, whether your application before him would be valid, and what we can do about it. I am not sure they can do anything about it, but we will know more about it. It would seem to me that it might be against the law for anybody even to entertain such a transfer at this time, but if we get an opinion from the City Attorney, I think we would be better off."

Mr. Charles Long: "Fine, thank you Commissioner."

RESOLUTION NO. 315-78

DATE TO BE SET FOR HEARING OF PATROL SPECIAL OFFICER RAYMOND ADKINS

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Raymond Adkins, was called; and

WHEREAS, it was requested by Patrol Special Officer Raymond Adkins that his hearing before the Police Commission be set for Wednesday,

the press, the law doesn't require it, and specifically excludes personnel matters from the sunshine. And there are family considerations, and there are the Department considerations, all of which you have kept in mind before you made the decisions you've done, and I want to compliment you on the matter, and I think you are getting batted around by the Press in that regard for the nature of the job, we can't explain everything to the paper."

Chief Gain: "That's right. I just want to make sure Mr. President, I appreciate your comments, that the Commission itself didn't want to respond to this letter. Because I have responded my position, and my opinion, however, it was the Commission that was mentioned and I didn't want to usurp the Commission, or be presumptious. I think that my response is adequate and I would just just suggest that that stand and the Commission not take any action by way of response to the paper."

Commissioner Murphy: "Well, I haven't had an opportunity to read the letter at all so....."

Commissioner Siggins: "Well, I think you should read the editorial, the editorial is in tonight's paper."

Commissioner Murphy: "Oh, I have the editorial, yes, I know about it, I cut it out, yes, but it was in this morning's paper."

Commissioner Ciani: "It was in both papers."

Commissioner Siggins: "There is one tonight too."

Commissioner Murphy: "Oh, there was one in tonight's too, I haven't read that yet. We don't have to make a decision on it right now, is what I am trying to say."

Chief Gain: "I will assume though that I have the right to express my opinion and I will forward my letter tomorrow morning."

Commissioner Murphy: "Sure."

Chief Gain: "Okay."

The Commission adjourned its meeting at 1845 hours.

SECRETARY

26 JULY 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 26, 1978 at 1703 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Siggins

ABSENT: Commissioner Toler

Commissioner Siggins presiding.

PRESENTATION OF CERTIFICATES AND MEDALS OF VALOR

Commissioner Ciani who was Chairperson of the last meeting welcomed those members and their families present and stated that it always gives her great pleasure to make these particular presentations.

The below listed members were called and given their respective awards as follows:

Police Officer David Brown-resigned.....Gold Star

Police Officer Stephen T. Gough.....Silver Medal

Police Officer Joseph C. Kirley.....Silver Star

Police Officer Joseph S. Mayers.....Silver Medal

Police Officer Jerry A. Salvador.....Silver Medal

Police Officer John R. Sheehan.....Silver Medal

Police Officer Richard D. Adkins.....Bronze Medal

Police Officer Roddy J. Glover.....Bronze Medal

Police Officer Dennis L. Newcomer.....Bronze Medal

Police Officer George S. Stasko.....Bronze Medal

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

3255 SACRAMENTO STREET - LA CASA RESTAURANT

a) At 3255 Sacramento Street, install a 17' white zone, extending from west property line 17' east of same.

b) Meter #SAC 3215 (Request sign on meter)

1540 BUSH STREET - CHARLES HENRY CO.

a) At 1540 Bush Street, install an 18' yellow zone, extending from 13' to 31' east of west property line.

b) 18' red zone to be revoked.

3411-24th STREET - SNOOP SISTERS ANTIQUES N' GIFTS

a) At 3411-24th Street, install a 22' green zone, extending from west building line 22' east of same. Poplar Alley to yellow zone for corner grocery.

1740 MARKET STREET - BAY BUSINESS SYSTEMS

a) At 1740 Market Street, install a 22' yellow zone, to extend from North building line 22' to 44' west of east building line.

b) Remove meter #MKT-1728.

668 MISSISSIPPI STREET - ROY ANDERSON PAINTS

a) At 668 Mississippi Street, install a 36' yellow zone, to extend from north building line north 36' to driveway.

1001 FOLSOM STREET - MURPHY & SIMI CO.

a) At 1001 Folsom Street, install a 22' green zone, extending from east property line 22' west of same.

308-6th STREET - MURPHY & SIMI CO.

a) At 308-6th Street, install a 22' yellow zone, extending north 22' - 44' north of south property line.

1117 HOWARD STREET - THOMAS-SWAN SIGN INC.

a) At 1117 Howard Street, install a 35' yellow zone, extending from 3' to 38' east of west property line.

b) Revoke 35' red zone.

890 GENEVA - DONUT HOUSE

a) At 890 Geneva, install a 21' green zone, extending from 9' to 30' west of Mission Street.

b) Revoke yellow zone from 9' to 30' west of Mission Street.

#5 BOARDMAN PLACE - S.F.P.D.

a) At #5 Boardman Place, revoke existing 45' yellow zone, extending from 3' to 48' south of Bryant Street.

2255 HAYES STREET - ST. MARY'S HOSPITAL

a) At 2255 Hayes Street, revoke existing 43' white zone in front of 2255 Hayes Street.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 216 feet of yellow, green, red and whtie zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 318-78

JOHN EDWARD FITCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Edward Fitch against the City and County of San Francisco in the sum of $295.01 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 15, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,

RESOLUTION NO. 319-78

CALIFORNIA STATE AUTO ASSOCIATION
(DR. CHANDLER SMITH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dr. Chandler Smith against the City and County of San Francisco in the sum of $356.19 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 26, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 320-78

ANDREW S. WAGNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew S. Wagner against the City and County of San Francisco in the sum of $7.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 15, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 321-78

JOHN JAMES DORSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John James Dorsey against the City and County of San Francisco in the sum of $2,200.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: August 3, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 322-78

GARY BELTON STOCKTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Belton Stockton against the City and County of San Francisco in the sum of $2,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 19, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 316-78

PERRY CLARK AND HIS ATTORNEY JAMES QUINN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Perry Clark and his attorney James Quinn in the sum of $500.00 in Municipal Court Action No. 746-231 entitled "Perry Clark v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

RESOLUTION NO. 317-78

EDWARD L. FRYE AND HIS
ATTORNEY BARTON POKRAS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Edward L. Frye and his attorney Barton Pokras in the sum of $5,500.00 in Superior Court Action No. 696-564 entitled "Edward L.Frye v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 12, 1975

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Lieutenant James B. Spillane, Central Police Station, for service, effective June 5, 1978.

b) Inspector Hobart N. Nelson, Traffic Bureau, for insutrial disability, effective January 25, 1978.

c) Sergeant Stanley H. Scheld, Southeast Police Station, for service,effective June 1, 1978.

d) Sergeant George J. Steiger, Legal Office, for service, effective June 5, 1978.

The communications were ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 325-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER DENNIS J. SCHARDT, CRIME PREVENTION EDUCATION UNIT, AT THE CALIFORNIA CRIME PREVENTION INSTITUTE, SPONSORED BY LOSS PREVENTION, INCORPORATED, AT POMONA, CALIFORNIA, FROM AUGUST 6, 1978 TO AUGUST 18, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Dennis J. Schardt, Crime Prevention Education Unit, be detailed to attend the California Crime Prevention Institute, sponsored by Loss Prevention, Incorporated, at Pomona, California, from August 6, 1978 to August 18, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Schardt in a sum not to exceed $800.20 will be defrayed by the Police Department's Police Officers' Training Fund, in addition to 60% of salary during training.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

WEEKLY SICK REPORT

No weekly sick report was presented to the Police Commission at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Mr. President, members of the Commission, I would be willing to respond to any questions from the Commission."

Commissioner Murphy: "My question is in regard to a statement made by the Traffic Division, it says, 'Captain Murphy inquired about the availability of a breathalizer for internal problems. Deputy Chief Taylor stated that our people should be called out for this type of situation. The California Highway Patrol will conduct the breathalizer in routine drunk driving arrest.' What's a breathalizer? Is that a balloon test?"

Chief Gain: "It's a test to determine the content of alcohol. It's a trade name."

Commissioner Siggins: "Yes. Chief there was a thing that came up in this...in the actual work week discussions that they had in the.....there was a question asked, if sergeants could do the Q2 watch if there was a vacancy there, and Deputy Chief Taylor said that it would not be permissible."

Chief Gain: "No, we do not have Q2's, police officers, work on a like/work, like/pay basis to take the place of sergeants."

Commissioner Siggins: "I think this was talking about the extra work week."

Chief Gain: "Well, I forgot the question, could you state it again?"

Commissioner Siggins: "Well the question I asked was if a sergeant, if there was a vacancy for a Q2 to work extra, could a sergeant do that, perform that, work overtime?"

Chief Gain: "Well, some sergeants are working overtime."

Commissioner Siggins: "As a....."

Chief Gain: "Not as a Q2, no."

Commissioner Siggins: "But even as...what makes me think about it as it comes to mind that if somebody wants to do that, that this type of secondary employment is a heck of a lot better than a bank job or something else."

Chief Gain: "Well, I think the key thing is now, you know, is now we have made 33 temporary sergeants now. So the problem isn't really there. But we don't want sergeants working as Q2's, that would present a little bit of a problem."

Commissioner Siggins: "Okay, but I mean even the fact that they asked about it....."

Chief Gain: "Yes, oh that was good."

Commissioner Siggins: "Any other questions?"

Commissioner Sanchez: "Yes, if I might just ask the

Chief a question: The number of Captains we have now, or Captains that are necessary to maintain full compliment, can you give me an idea of what that is, what that number is now?"

Chief Gain: "22, I think."

Commissioner Sanchez: "Are now pending appointment?"

Chief Gain: "Oh no, they are...they are all working. We have temporary Captains. We have promoted Lieutenants to temporary Captain, non-civil service and so on. All of the vacancies are filled."

Commissioner Sanchez: "All of the vacancies?"

Chief Gain: "There may be one or two, but basically, they are all filled. You see we will have now, for one year, or two years, a situation where we will not, because we don't have an eligibility list for Captain, having Lieutenants work as non-civil service or temporary Captains, for a considerable period of time. So whenever there is a retirement of a Captain, as with Lieutenant....."

Commissioner Siggins: "Same thing with a Lieutenant?"

Chief Gain: "Same thing with a Lieutenant. We have substantial numbers of Sergeants as temporary Lieutenants, and we will keep making these temporary Lieutenants and Captains, and we will have them serve until we have a civil service certified list."

Commissioner Sanchez: "Okay, so therefore, the recommendations for either Captain, Lieutenant and/or whatever are coming strictly off the list, or how?"

Chief Gain: "Right now off the list."

Commissioner Sanchez: "Off the list."

Chief Gain: "Well, wait a minute, it's by seniority, there is no list for Captain."

Commissioner Sanchez: "Okay, right, well.....it's by seniority."

Chief Gain: "Actually the criterion I am using is this, experience, demonstrated performance to do the job based on previous experience and then potential to fulfill the requirements of that job.

It so happens now, because we do not have performance....a good performance evaluation system in the Department, that we are going by seniority. So seniority now equates with experience and demonstrated performance in the absence of performance criteria and that's what's going on now. Although, we can, and will at the appropriate time, be appointing also, based on some other factors, and we have done that in the past which could be different than by strict seniority. We haven't had the occasion to apply that yet. Haven't had the opportunity to apply it, but we will. We did apply it in the past but on a non-civil service appointment, it only last 130 days, so people have to revert after that time."

Commissioner Sanchez: "Thank you."

Commissioner Siggins: "Another thing that came up in that regard was that a lot of the new Sergeants are from traffic and when they go out into the District Stations it seems that there they can help the regular patrol officers in establishing a higher percentage in regard to traffic citations."

Chief Gain: "We would hope so, and it gives me an opportunity to comment also that we are getting increasing numbers of.....increasing numbers of traffic citations are being written by patrol officers, so that's working out very well. But hopefully, some of these solo-motorcycle Q2's as they become temporary sergeants, will keep up the traffic orientation, reasonably, and influence more traffic citation writing."

Commissioner Siggins: "Chief, I think that some emphasis should be given to the control of these kids that are running around on bikes in the Financial District on one-way streets, going aagainst signals and one-way streets. They are just in complete disregard of traffic regulations, and also the pedestrians rights, and I just think it should be emphasized, and I think it was some time back, but I don't think it hurts to do it again."

Chief Gain: "We'll do it."

Commissioner Murphy: "Do you want to comment further, I thought this was awfullly good, the Crime Analysis Bulletin on the problem around Fisherman's Wharf and so on."

Chief Gain: "Yes, we have quite a concerted effort going on now in the North Beach area, specifically in regard to that Bay Street Project. Because what occurs in tourist season is that we are getting increasing numbers of purse snatches, and strongarm robberies, and boost of vehicles, and so on. So we

have quite an undercover effort going, in addition to uniform patrol officers."

Commissioner Murphy: "Some time back I had a complaint of a young fellow 14 or 15, accused of stealing a car, I think he is out at Juvenile Hall, but that wasn't during the tourist season. Have you had any results from it yet?"

Chief Gain: "Well, we are getting results. With the initial phase of this, why.....it's not so much....it is, in part, arrest oriented, but mainly to begin with, it is a matter of identifying whose doing what, and where they are going with stolen property. So that the arrest stage in greater numbers will come later. I try to use indirect language so that the newspaper won't print it. These perpetrators, you see, read the paper and they know our big plan, right? (facetiously)"

Ken Wong, Examiner News Reporter: "This is off the record."

Chief Gain: "We have a weekly Crime Committee meeting and last Thursday, we have it at one thirty every Thursday, Ken was there and all of the juicy things we said was off the record. So he knows what....."

Commissioner Murphy: "Well, we don't get to come to that meeting so....."

Chief Gain: "Oh, you can come anytime."

Commissioner Murphy: "I know. Do you care to comment at all on the shooting out at Hunterspoint? Anything in particular that we should know?"

Chief Gain: "Not at this time, except for this, that based upon the knowledge that we have of it that it was a, in fact, a lawful, justified shooting by the police officers without question."

Commissioner Siggins: "It happened in a neighborhood where they are accustomed to raise a question about it any time a police officer has to shoot, and I think that should be explained that that station should be sensitive to that type of potential....."

Chief Gain: "There have been meetings there. Captain D'Arcy is the Commanding Officer and he has met with some community persons, and so on. So they are very sensitive and aware of some of the appearance, and some of the community reaction."

Commissioner Murphy: "At the Bayview-Hunterspoint Community Coordinating Council Meeting he did appear and they were very pleased. I have some friends out there who reported to me that they were very grateful for his attendance, because he handled it very well."

Commissioner Siggins: "Good, good, anything else?"

Chief Gain: "Maybe I should comment, I don't know.. ....I may have informed the Commission of this before, but in 1976 we started an effort as between the Police Department and District Attorney's Office so that whenever a police officer discharges his firearm, hits someone, the police respond, a Deputy Chief will respond, I go a lot of times myself, but the point is, investigatively a Deputy Chief responds. Investigators from the Police Department, the District Attorney's Office is notified immediately and they respond, Deputy District Attorney Investigators, and they conduct an independent investigation of the same circumstances, then an independent evaluation, they come up with an independent finding from their standpoint as to the lawfulness of the discharge of firearms, and whatever it may be. And Mr. Freitas and I initiated this early in 1976, very shortly after we assumed office, for the purpose, of course, of insuring that the District Attorney made an independent investigation even though the police themselves would make thorough, fair, objective findings. In that way we do have legal experts on the scene, and very importantly too, as far as credability, we have an independent agency that investigates and comes with an independent finding. So that goes on all the time. It took place in this last incident also. The District Attorney will be coming forth with his own written report of findings, and so on."

Commissioner Siggins: "Every officer has an obligation to fill out a report every time he has discharged any firearm on duty, isn't that correct?"

Chief Gain: "Oh yes, he fills out a report and then we also have a hearing ourselves, the investigators make out their reports, and then we have Deputy Chiefs, and others, who conduct a review, a formal review, that took place today in regard to this last incident, and then they submit a report to me. So that even though I know what the circumstances were and I have seen the criminal investigators reports, then I also get that report. Some of the things that we are looking for, beyond whether it was a justified shooting or not, or some, perhaps, indicators of training needs. Because a lot of times the officers do, in fact, act properly, but then there is training measures that we can take and then we can evaluate to each time, type of weapons used, methods and techniques used, so we have quite....a very, very thorough review process."

Commissioner Siggins: "Okay, thank you, Chief. Next item."

REQUEST OF THE FOLLOWING-NAMED PERSONS FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF THEIR JITNEY BUSSES FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS: (CONTINUED FROM THE MEETING OF JULY 19, 1978.)

Commissioner Siggins: "Mr. Brenner and Mr. Milstein, Officer Martindale has reported to the Department that he has examined your vehicles and it appears that both Dodge Maxi-vans are feasible for reconversion into a 15 seater. Would you tell us how you are going to handle the insurance problems in regard to that?"

Mendel Milstein: "Oh we will notify the insurance and we will pay whatever they will ask us to pay for the insurance."

Commissioner Siggins: "Out of curicsity, is there a change in the rates?"

Mendel Milstein: "Oh there is a death....that's why, that's why it's so bad, and why we ask you for this, in the last two years I would say, two years ago you paid about $800,000 er.....$800 dollars a year, right now we pay $2,500."

Commissioner Siggins: "$800 to carry passengers?"

Mendel Milstein: "That's right, $800. That's only liability. I only talk about liability. $800, and today it's $2,500, and we don't know what the end will be."

Commissioner Siggins: "Okay, we have had hearings before when....and went through this before when Mr. Goldstein, Mr. Maurer and Mr. Endzweig asked for permission to increase their jitney bus load from 12 to 15. And at that time we had the Municipal Railway express some displeasure at the idea and I asked that, you know, that we not do it, but what we did do at that time, was grant them permission to do it for 18 months and then ask for a feasibility study after that. We did that by order of this Commission on February 1, 1978, and it is what we call a trial period and we want the Department to report back to us the results of that so that would be sometime in August of 1979. Would you be willing to go along with that type of order so that in other words you would get about a year out of that and then we will see....."

Mendel Milstein: "Yes, I guess we will try it out too, I don't know what will be happening in another year. Business is very slow, a lot of jitneys dropped out, and that's why we....."

Commissioner Siggins: "Well, I have to say this we haven't heard any complaints about it but we haven't asked anybody to look into the problems."

Eugene Brenner: "I want to try it just before I quit. I have been driving for 21 years. Before I give it up altogether I want to try it."

Commissioner Siggins: "21 straight years driving a jitney?"

Eugene Brenner: "21 straight years I drive a jitney. I am one of the oldest, but I see that I can't get around, so I want to try this and see maybe three more passengers going in and prove something. If not, maybe I give it up altogether."

Commissioner Siggins: "You've got a sock full already made?"

Eugene Brenner: "Yes, if nothing is wrong I might go on 5, 6 maybe 7 years. But like it is now I can see that it is impossible because the insurance goes up so high it is just unthinkable to pay for a jitney $2,500 dollars a year."

Mendel Milstein: "Well, it's no problem if you have a Maxi wagon, it is actually made for 15 people so there is no problem involved."

Commissioner Siggins: "I see. Alright."

Commissioner Ciani: "Well, I would move that we approve these two requests to increase the seating capacity from 12 to 15, on the condition that the grant be subject to review at the same time as the existing increases are reviewed, that being about August, 1979."

Commissioner Siggins: "Yes, so in other words, this would go within the same trial period as those....as the ones for Goldstein, Maurer and Endzweig, is that seconded?"

Commissioner Muprhy: "Yes, I second it."

Commissioner Siggins: "Okay, all in favor?"

AYES: Commissioners Caini, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

Commissioner Siggins: "Okay, good luck to you, sorry I made you come back but we did want to ask some questions about that insurance."

RESOLUTION NO. 323-78

REQUEST OF EUGENE BRENNER AND MENDEL MILSTEIN FOR PERMISSION TO INCREASE THEIR JITNEY BUS PASSENGER LOAD FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS-CONDITIONALLY APPROVED FROM JULY 26, 1978 TO AUGUST 1979.

WHEREAS, Eugene Brenner and Mendel Milstein requested by letter a hearing before the Police Commission for permission to increase their passenger load from twelve (12) passengers to fifteen (15) passengers; and

WHEREAS, the Police Commission heard the matter at its meeting of Wednesday, July 26, 1978; and

WHEREAS,the Police Commission, after having listened to testimony on behalf of all parties, the Police Commission adopted the following resolution:

RESOLVED, that it is the order of the Police Commission that the request of Eugene Brenner and Mendel Milstein for permission to increase their Jitney Bus passenger load from twelve (12) passengers to fifteen (15) passengers, be, and the same is hereby approved; and be it further

RESOLVED, that approval is granted subject to review by the Police Commission after a trial period from July 26, 1978 to August 15, 1979, and upon completion of said trial period the parties are to return to the Police Commission with reports on the results.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 324-78

SPECIFICATIONS FOR UNIFORMS FOR PARKING CONTROLLER AND TRAFFIC CONTROLLER OFFICERS' UNIFORMS - APPROVED

RESOLVED, that the Police Commission hereby approves and adopts an amendment to the trouser specifications for Parking Controller and Traffic Controller Officers' Uniforms.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

STATUS REPORT ON SIGHTSEEING BUS CONVENIENCE AND NECESSITY HEARINGS.

Chief Gain: "Mr. President, members of the Commission, we gave you a couple of weeks ago, the status report with certain recommendations, and Inspector Patricia Byrne is here tonight from our Legal Office, to enter into any discussion or respond to any questions you may have."

Commissioner Siggins: "It doesn't seem to me that Proposition K was designed to cover Sightseeing Busses, or even considered, at the time."

Inspector Patricia Byrne: "I don't think it was either, however, the way this ection is written, it does cover them. There is no question about that."

Commissioner Ciani: "Do you have a copy of that?"

Inspector Patricia Byrne: "At the beginning it says, 'The qualified electorate of the City and County of San Francisco as hereby declared shall be the law of the City and County of San Francisco that, (a) All taxi cab permits and other vehicle for hire permits issued by the City and County of San Francisco are the property of the people of the City and County of San Francisco and shall not be sold, assigned or transferred.' And it goes on, it says vehicle for hire permits. And unfortunately, a Sightseeing Bus is a vehicle for hire permit."

Commissioner Siggins: "Okay, you know we have law suits now against the Commission that ask for some temporary injunctions, and then later on, permanent injunctions, and that first hearing, I think, is on August 6 or August 7th?"

Inspector Patricia Byrne: "August 7th."

Commissioner Siggins: "August 7th and the people who have applications before us were all represented by council, I think, and I would suggest that they all get together and consider this law. There is a new lawyer that's taking over for San Francisco Hosts. His name is Joseph Neri."

Commissioner Murphy: "Is that the one that Anolik was representing?"

Commissioner Siggins: "Yes, he told me he was taking over for Anolik and he called me, and I told him it was going to be coming up tonight, and they thought Mr. Flood would be here but I told him I was going to suggest that we were going to have to go back to the City Attorney on that and there is probably no action to be taken until after we see what the court does on August 7th."

Inspector Patricia Byrne: "The memo that was written in regards to this was written prior to the time we were served with anything."

Commissioner Siggins: "Yes, I know that."

Commissioner Murphy: "But it seems to me in looking this Memorandum over, there is just no way the current Greylines, for example, could comply with this."

Inspector Patricia Byrne: "There is a grandfather clause to hold them."

Commissioner Ciani: "Yes, but we couldn't issue any new permits to those applicants who sought them because they were corporations."

Commissioner Siggins: "Sightseeing is really a different sort of thing."

Commissioner Murphy: "It is so different, yes."

Commissioner Ciani: "Right, I don't see how it would be practical for an individual to run a Sightseeing business alone, it really is....."

Commissioner Murphy: "Oh, they didn't even think about it."

Inspector Patricia Byrne: "As I understand it, the problem with this now is that this Proposition K, because it was passed by a vote of the people, is considered to be higher than a Board of Supervisor type action, and therefore, the Board can do nothing to modify this and it would have to go back on the ballot."

Commissioner Siggins: "Yes, I think so, unless it is declared unconstitutional or they somehow get out from under it. We were already told before that you can't go beyond the intent of the electorate, you would have to ask everybody what they meant when they voted, is that right? It's a complicated thing. So, let's....can we tell them....tell the different people that actually, I would like them to know what Inspector Pat Byrne thinks about the thing after her study of it and that involves the McCutcheon Office, I mean the Schartsis and....."

Inspector Patricia Byrne: "Just the attorniés for the applicants?"

Commissioner Siggins: "Yes."

Inspector Patricia Byrne: "We have everyone who appeared here, it comes into the transcripts."

Commissioner Siggins: "Have you got it, okay good, that's Arthur Schartsis....."

Commissioner Murphy: "Would it be possible for the Department.....I would like to see if it's appropriate and I don't know that it is, a letter written, well possibly by the Commission I don't know, from the Department let's say, saying this is our analysis of what Proposition K says. Further we are submitting it to the City Attorney, however, there is a suit pending which the first hearing will be on August 5th or 7th, or whatever it is, and at this point there is really nothing we can do about this. In other words, let them in on what has happened, and so on."

Commissioner Ciani: "What concerns me is that for reasons which were really beyond our control, the technical problems we had with those tapes, we did not prosecute that set of hearings to completion when we might have. Perhaps, we might have come out issuing those permits and then those permit holders would have been grandfathered in, and so we are a little bit in an embarrassing position."

Commissioner Murphy: "It's embarrassing, but unavoidable. I don't see how we could....."

Inspector Patricia Byrne: "Even take the transcripts that were done of the tapes if the Commission would like to see them, they are almost completely illegible,

so that if it went to a vote, that was one of the things I checked on to see if we, still at this point, would have....."

Commissioner Murphy: "We have a quorum because it was Herman Gallegos and Reverend Hall that left."

Commissioner Siggins: "Well let's....what do you suggest, that we distribute that and discuss it with the City Attorney? Who's going to be representing the Department on August 7th, do you know?"

Inspector Patricia Byrne.: ""The Lieutenant is going, I am going to Sacramento."

Commissioner Siggins: "Well it would probably be the City Attorney's Office....."

Inspector Patricia Byrne: "The City Attorney would represent us, we would never be the person normally. ....."

Commissioner Siggins: "We don't know who is going to be handling the matter....."

Inspector Patricia Byrne: "I would imagine it is going to be handled by Steven Diaz."

Commissioner Siggins: "I think we should talk to him beforehand anyway, and....."

Chief Gain: "How about you Inspector Byrne talking to Diaz?"

Inspector Patricia Byrne: "Regarding this?"

Chief Gain: "Yes, regarding our analysis, we ought to talk to him about our analysis."

Commissioner Murphy: "Well, don't you think, we should, if he agrees, I don't want to do anything that's going to injure the case in any way, one way or the other, but wouldn't it be at least sort of decent of us to write and say, look we can't do this because of this variety of factors."

Inspector Patricia Byrne: "I think that they should be notified of the fact that the other people are challenging Proposition K, and if they would want to go into court....."

Commissioner Siggins: "Yes, that's the point."

Chief Gain: "Well, we will get a letter for the President's signature then."

Commissioner Siggins: "Okay, alright."

Chief Gain: "It should be dealt with at the Commisson level so it probably should be under your signature."

Commissioner Siggins: "Right, two of the Commissioners were, well I guess we are all against Proposition K, but....okay."

Commissioner Murphy: "You know it's an interesting thing that when they were discussing the two Propositions while I was on the Board, Ron Pelosi brought up the problem with respect to the limousines and someone advised him that well it didn't make any difference as far as limousines were concerned, it was only taxi cabs. And then it was re-done and re-worked, and so on, and then it covered everything."

Inspector Patricia Byrne: "There is no question that there is going to be real drawbacks to trying to run a Sightseeing Bus. You're only going to be able to run one bus. The only other thing...the alternative that someone discussed, was that you might be able to have like each individual owning their own permit and working it with some type of business agreement among the."

Commissioner Siggins: "As we said before we have no .....I don't think this Commission has that much pride, or is jealous of the power regarding taxi cabs, or any of the vehicles, and the idea of putting it into another Department of Transportation is a good idea to me. Somebody with full time to work on that."

COMMISSION CORRESPONDENCE.

Re: Letter to Commissioner Siggins from Mr. Eugene L. Friend, President, Park and Recreation Commission, re: prevailing conditions at Union Square.

Chief Gain: "May I report on the staus of this? I think what has happened is that certain downtown business persons, I think particularly the General Manager of the St. Francis Hotel, Robert Wilhelm, has written letters, if not taken other action, to the Park and Recreation Commission, because I was told by a Staff member when we met with them last week that Wilhelm had written quote 'a blistering,' unquote letter to the Department of Park and Recreation Commission about

Union Square. And as a matter of fact, Union Square is not as bad as it is said to be by these people. The previous letters that we got from the Park and Recreation were from the Vice President of that Commission and just said it was a takeover, this one is from the....I guess he is the President, yes, the President of the Park and Recreation, he states 'Numerous complaints have been received including the surrounding businesses including the St. Francis Hotel.' That's Wilhelm, about the takeover of Union Square by panhandlers, apparent dope dealers and vagrants who sleep. Other descriptions of these made it worse than that. Now what's happening is that this guy Wilhelm is a grandstander. What happens is about every tourist season, he, when he talks to me, as he did on the phone about a month ago, he said, 'well tourist season is coming, I am going to start writing those letters to the Mayor again.' And then he starts writing I guess, blistering letters wherever they may be and he distorts the whole picture because he is apparently saying to people that Union Square has been taken over by dope peddlers, prostitutes, that you can't walk in Union Square. Now that simply is not the fact, because you can walk in Union Square, beyond that we....."

Commissioner Murphy: "Day or night are you speaking of?"

Chief Gain: "Day and night you can walk down there. What they would lead you to believe is that Union Square is simply not safe to walk in at any time and that is not a fact. And during the daytime you can walk in Union Square. Well you are going to find some untoward activity and some unlawful activity, but not too much. The matter of fact in about May of 1977 Mayor Moscone and I met with Wilhelm and a bunch of other business men, I keep mentioning his name to try to make a point, and talked about Union Square and other problems there. Because of that meeting, and other documentations we had on the problems in Union Square and Powell Street, we started a detail of a Sergeant and four uniformed Officers. And that was an addition to the uniformed people that we already had and we have kept that up, so naturally when tourist season starts you are going to find people gravitating to Union Square and Powell Street. So as a matter of fact, the situation is not as bad as they say. And it irritates me when, for example, the last issue of the San Francisco Magazine, the Chamber of Commerce Magazine, you saw that, the Powell Street Association and you have Wilhelm stating in there that Union Square is, in effect, a mess because of neglect by Police Department City Administration. That's not a factual statement and he is always doing that. So on the one hand he talks to me as 'well things are going pretty good a little increase in activity,' and then on the other he get's other people upset. But we are....we did meet last Friday with the Staff of the Park and Recreation Commission, and in a word,

the decision made, they are going to do their job, and we are going to do ours, and things are going to be alright, and that's a fact. Because when we take the serious crime problems we have in this City, although Union Square and Powell Street is important, they....some would have us inundate the thing with police personnel and one of the main things they have in their mind, which is irritating, is that they usually wind up in the bottom line saying get rid of those undesirables and by definition of that it's nothing but law abiding citizens exercising their constitutional rights, and they don't happen to like the length of their hair, and whatever it may be. Thank you for the opportunity for this explanation."

Commissioner Ciani: "Excoriation."

Commissioner Siggins: "Keep up the good work Chief."

Chief Gain: "My fair objective analysis of the situation that exist. So in a word Park and Recreation is doing a very good job and so is the San Francisco Police Department under the policy and direction of the San Francisco Police Commission."

Commissioner Siggins: "Well, as a matter of fact, there is a detail down there."

Commissioner Ciani: "Yes, as we know they are always on the job down there."

Chief Gain: "Yes, certainly, last year I personally took action to stop the grave crime of throwing.... what do you call those things?"

Commissioner Ciani: "Frisbies."

Chief Gain: "Frisbies, there has been no more of that for over a year."

Commissioner Murphy: "You got lot's of space too on that one."

Chief Gain: "No more of that for over a year, so these serious crimes don't exist."

Further discussion was held on remaining items of Correspondence and answers thereto after which the Commission adjourned its meeting at 1640 hours.

SECRETARY

2 AUGUST 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 2, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED.

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2800 GOUGH STREET - J & B GROCERY - DENIED

a) At 2800 Gough Street, install an 18' green zone, extending from 10' to 28' north of south property line.

497 FULTON STREET - S.F. MUNI RAILWAY. C.V.

a) At 497 Fulton Street, install a 30' green zone, extending from 2' to 32' east of west property line.

500 BRANNAN STREET - RUBYS RESTAURANT

a) At 500 Brannan Street, install a 20' yellow zone, extending from 2' to 22' east of driveway.

1956 SUTTER STREET - S.F. REDEVELOPMENT AGENCY

a) At 1956 Sutter Street, install a 22' green zone, extending from west of east property line.

424-9th STREET - WHOLESALE RESOURCE

a) At 424-9th Street, install a 33' yellow zone, extending from 33'

north of south property line.

b) Revoke existing 33' red zone.

175 TOWNSEND STREET - BRACCO DIST.

a) At 175 Townsend Street, revoke existing 36' green zone, extending from 9' to 45' east of west property line.

1198 BUSH STREET - ST. FRANCIS MEMORIAL HOSPITAL

a) At 1198 Bush Street, revoke existing 130' white zone, extending from 18' to 148' east of Hyde Street.

#2-38 STEUART - SOUTHERN PACIFIC RAILROAD

a) At #2-38 Steuart, revoke existing 140' yellow zone, extending from 10' to 150' south of Market Street.

b) To be replaced by meters.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

1234 GRANT AVENUE - LA PANTERA CAFE

a) At 1234 Grant Avenue, install a 44' white zone, extending from north property line 44' south of same.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NAYS: Commissioner Ciani

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 339 feet of red, green, yellow and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Inspector James A. Bohm, Bureau of Investigations, for service, effective June 7, 1978.

b) Inspector James B. Jones, Bureau of Investigations, for service, effective May 27, 1978.

c) Inspector Edward J. Grant, Bureau of Investigations, for service, effective June 7, 1978.

d) Police Officer Joseph D. McGinn, Richmond Police Station, for service, effective June 6, 1978.

e) Police Officer Dave M. Toler, Park Police Station, for industrial disability, effective May 1, 1978.

f) Senior Clerk-Stenographer, Sarah M. Berard, Southern Police Station, for service, effective June 7, 1978.

The communications were ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 329-78

CARMEN GUTIERREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carmen Gutierrez against the City and County of San Francisco in the sum of $23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 330-78

RONALD M. HAIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald M. Haight against the City and County of San Francisco in the sum of $218.09 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 13, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 331-78

HARRY W. LEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry W. Lew against the City and County of San Francisco in the sum of $23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 26, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 332-78

THOMAS WILDER CALLINAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Thomas Wilder Callinan in the sum of $3,500.00 in Superior Court Action No. 681-327 entitled, "Thomas Wilder Callinan v. City and County of San Francisco, John Driscoll Harrington's Bar Corporation" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 16, 1974

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 333-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER ROGER E. FOGE, PERSONNEL AND TRAINING, POLICE RANGE, AT THE ARMORERS' TRAINING SCHOOL, AT SPRINGFIELD, MASSACHUSETTS, FROM AUGUST 28, 1978 TO SEPTEMBER 8, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Roger E. Foge, Personnel and Training, Police Range, be detailed to attend the Armorers' Training School, at Springfield, Massachusetts, from August 28, 1978 to September 8, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Roger E. Foge, Personnel and Training, Police Range, in a sum not to exceed $964.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

The Commission was not furnished with a Weekly Sick Report at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report Mr. President."

Commissioner Siggins: "Okay. Any questions for the Chief?"

Commissioner Ciani: "Well, it isn't a question, it is an observation. Going through some of the Big 19's I was just amazed at the number of serious crimes, particularly homicides and fatal accidents. It seems like a rather busy week as far as serious crimes are concerned. It is not going to do the statistics any good, is it?"

Chief Gain: "No."

Commissioner Murphy: "I would like to ask one thing, it may be too soon, but you recall it was either a

couple or three meetings ago, I suggested, and I think we more or less accepted that...as you, the staff, work on the Charter Revisions for the new Commission that will be elected in November, that we ask a member of the Commission.....I suggested Commissioner Ciani to work along with them so that we would not be faced with fait ac "com" pli, that it would be something we would go along with and understand as we go along with, has anything been developed on that, or where are we on it, or is it too soon?"

Chief Gain: "Two things at once, we are going to calendar that for discussion at a further time, and secondly, that Commission has not been formed yet and there was some thought about when it is formed it will probably come out with some guidelines, and so on....relatively to the submission of proposals."

Commissioner Murphy: "Well, yes, it will not be formed until after November, of course, it can be, it seems to me, we could decide what kinds of things we would like to see in the way of Charter Revisions whether we put in a form that they could use or not is incidental, but it is very difficult at a public meeting, is my point, to take a very complicated, complex situation, review individually .....the way it should be reviewed, to me seems ....."

Commissioner Ciani: "Well, we do have some background work that has been done on Charter Revision by the law student who worked for us last year, do we not? So we could submit all of those, candidly, what I would prefer is the Commission charging the staff to come up with analysis, recommendations as regards to proposed revisions of the Charter, and then it can be used as a springboard for discussion, and then to get any necessary input from employee organizations as it compared to....as I may...as compared to a committee that will be comprised of various ranks, which I think would be an unwielding process."

Commissioner Murphy: "I accept that proposal. You will recall you suggested that last time, and I accepted that as being probably the best way to do it, but what I want to get is some input from the Commission on the way, and also, some input back to the Commission before its all been wrapped up with blue ribbons. That is my point. I know when one gets something on paper and has worked like a dog on it, it is awfully hard to change, or put in somewhat different terms."

Chief Gain: "Well, may I suggest then that the, my staff could start with getting some proposals

together, and we do have previous work that was done, that was complied, those on a report to the Commission and then use that?"

Commissioner Murphy: "With some judgments about what is good or bad, or we think that this could be changed in such a way to make it more useable, workable, etc."

Chief Gain: "As long as it relates to the Police Department."

Commissioner Murphy: "That is right, for instance, there is a great deal in the civil service requirements of the Charter that effect the Police Department."

Chief Gain: "We will do that."

Commissioner Ciani: "Well, could that be done by early October? That would be sufficient, I would think."

Commissioner Murphy: "Oh sure."

Chief Gain: "Okay, first of October...We will submit a report to you by the first of October."

Commissioner Siggins: "Well, what is happening with this Commission?"

Commissioner Ciani: "There was an editorial in the Chronicle this morning, or yesterday. Everybody is trying to put together a slate."

Commissioner Siggins: "Well, but then there is, somebody will have to come up with some kind of format for Charter.....aren't they? It seems to me that we are premature."

Commissioner Murphy: "I don't think it is premature, you get somebody that has some ideas....some have worked on it anyway....I am sure Preston Scott certainly has been thinking about it, and other people, and you get some bunch of people who may or may not be too well acquainted with each other starting to work on this thing and I would think that they would be very grateful for some input....it is like being on a Grand Jury, most of them come to it pretty cold, or certain parts of it, pretty cold."

Commissioner Siggins: "Yes, but I just cannot figure out what we are going to do."

Commissioner Ciani: "We have a concensus, I think; that there is a lot in the Charter that probably need not be in the Charter, that kind of critical commentary might be helpful to the Revision Committee even as it begins."

Commissioner Siggins: "Well, that's why....they know that....because that is why they....."

Commissioner Murphy: "Sure, but they do not know the specifics necessarily. It just seems to me that it would be useful to get our oar in first, that is what my point is."

Commissioner Siggins: "Okay."

Commissioner Sanchez: "I agree."

Commissioner Siggins: "Anything else? Question to the Chief? Next item."

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT THE NEWLY DESIGNED TAXICAB MEDALLION.

Commissioner Murphy: "This is very pretty."

Commissioner Ciani: "I don't understand what it's going to look like at all."

Commissioner Siggins: "Well, here we go."

Chief Gain: "This one you mean. The one we proposed?"

Commissioner Murphy: "This thing that we got pictures of."

Chief Gain: "That's not it, what we are proposing is, here. I'll show you."

Deputy Chief Mullen: "The reason we did not submit to you present Commissioners is actual copies of what we are going to do, we are going to have to have them made...a metal worker does it...at present this is the medallion that we use, and these things are valuable, we just took one out of the safe, we don't want these circulating...the problem with it is that the colors are not destinctive, people can

lose them, come get another one and an enforcement officer can't make a distinction as to whether it is this year's tag or last years. So what we propose to do, and we're using as an example, and perhaps it is somewhat confusing... we're using as an example a jitney permit. This is what we want it to look like, only it's going to be in that size."

Commissioner Murphy: "Oh, you're not going to have it nice and big so they can be seen?"

Deputy Chief Mullen: "No, it has to fit in that right front window. We explored the possibility of attaching it to the back window of the vehicle ....we ran into a problem with that...that somebody would steal it unless they were welded, and then if they were welded you can't put it on another cab if you have a spare cab operating, and it only goes one to a cab, so we are going to leave it in the same place, it's going to be half the size, it's going to have that distinctive background against a different color, and the background color would change each year, so in case somebody should fraudulently obtain another one."

Commissioner Murphy: "Just like our regular license."

Deputy Chief Mullen: "Right, it will become useless to them on the next year, and I realize it has created a little confusion, but short of having one made up by a metal worker."

Commissioner Murphy: "So they are going to have a date stamped on them, and then they will be replaced each year."

Deputy Chief Mullen: "They are going to have a color one year that will be different from the next year, so that if....."

Commissioner Murphy: "They will have a blue background and yellow numbers?"

Deputy Chief Mullen: "Right, at the turn of the year if every cab in town has a yellow one, the ones that have blue, you can spot it like that."

Commissioner Murphy: "Unless you're color blind."

Deputy Chief Mullen: "Okay. The officer can't be color blind, we don't allow it."

Commissioner Murphy: "Chief Mullen, is it going to have something on the back here?"

Deputy Chief Mullen: "No Commissioner, it's going to have the expiration date, it's going to have the identifiers as the medallion and in the circle there is going to be the three numbers."

Commissioner Murphy: "What is this?"

Deputy Chief Mullen and Commissioner Siggins: "That's the old one."

Deputy Chief Mullen: "That's just a picture of it."

Commissioner Murphy: "Okay. I will take this, okay, now how are you going to do this, the one, or the permit and the medallion, should be the same, and you have also the cab....number?"

Deputy Chief Mullen: "The number on the vehicle should be the same."

Commissioner Murphy: "What are you going to do when you're using another vehicle?"

Deputy Chief Mullen: "They are going to have a supplementary number of "S" in front of them so we will know right away if they are using a spare vehicle."

Commissioner Murphy: "That's right, is it going to be welded on?"

Deputy Chief Mullen: "No, they are not going to be welded on."

Commissioner Murphy: "They will be inside the cab?"

Deputy Chief Mullen: "Inside the right front window as they are now. Because we can't weld them to the cab for the very reason that we mentioned, that they are going to be out of service being repaired."

Commissioner Murphy: "Many of them don't carry the medallions now because I have been sitting in the front seat and I have been looking for them."

Deputy Chief Mullen: "We have to do a better enforcement job on that."

Commissioner Sanchez: "Is there a penalty for not carrying a medallion in your cab?"

Deputy Chief Mullen: "Oh yes, they have to have the medallion at all times, if not.....it's a violation of law."

Commissioner Murphy: "Is there a fine?"

Deputy Chief Mullen: "There is a fine provided for a loss, usually those matters, unless it's a flagrant case, would be disposed of by a Chief's Hearing."

Commissioner Murphy: "Yes."

Commissioner Sanchez: "When will they go into effect?"

Deputy Chief Mullen: "Upon your approval, we'll have them made and acquired as the cabs lose them, install them."

Commissioner Murphy: "How much is it going to cost us?"

Sergeant Calabro: "453 dollars for 711 of them."

Deputy Chief Mullen: "Fifty cents a piece or there abouts."

Commissioner Murphy: "What are you going to charge?"

Chief Gain: "Cost of material and reasonable overhead."

Commissioner Siggins: "They look like they are less expensive than those are."

Commissioner Murphy: "Well, you can see them, at least. I move we approve the medallion."

Commissioner Siggins: "Approval of resolution, seconded by Commissioner Toler. Question? All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 334-78

TAXICAB MEDALLION DESIGN

WHEREAS, the Police Department is the issuing authority under Section 1135.2 MPC, for medallions to operate taxicabs; and

WHEREAS, the Police Commission is the approving authority under Section 1135.2 MPC, for the design of taxicab medallions; therefore be it

RESOLVED, that the taxicab medallion design consisting of a 3-1/2" by 4-1/2" metal plate identified as a "S.F. Taxicab medallion" at the top with the expiration date shown at the bottom with white numerals 1-1/2" high and a contrasting color background to change each year is hereby adopted by the Police Commission.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING OF MICHAEL ALLEN WINN, CETA, #1404 CLERK, PERSONNEL BUREAU.

Sergeant Frazier: "I have had some discussion with Scott Rosien, Scott Rosien of the Legal Office, regarding Michael Allen Winn. He is out of jail currently, and the last week or so nobody has been able to get in touch with him. There have been some conversation with his father also, as to whether he is going to submit a resignation, or either go ahead and contest the charges against him. Mr. Rosien, of the Legal Office, has requested that the matter be put over for the next couple of weeks, at which time they will be ready to proceed."

Commissioner Siggins: "We have a procedural matter, he has never appeared before us and was in jail all that time."

Commissioner Murphy: "If he does not appear, don't you have a right to fire him if he does not report for work after a certain length of time?"

Chief Gain: "We have a little problem getting ahold of him, I think."

Commissioner Siggins: "What are we going to do, put it over two weeks?"

Sergeant Frazier: "That was the request of Scott Rosien, Legal Office."

Commissioner Siggins: "Yes, okay."

RESOLUTION NO. 326-78

HEARING OF MICHAEL ALLEN WINN, CETA, #1404 CLERK, PERSONNEL BUREAU

HWEREAS, the hearing of Michael Allen Winn, CETA, #1404 Clerk, Personnel Bureau, was called; and

WHEREAS, the department was unable to contact him at this particular time, it was requested by the Prosecuting Attorney that the matter be continued for two weeks which would allow additional time to contact him; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Michael Allen Winn, CETA, #1404 Clerk, Personnel Bureau, is continued to Wednesday, August 23, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $400,000 TO PROVIDE FUNDING TO SUPPORT AN EXTENDED WORK WEEK (EWW) PROGRAM AMOUNTING TO THE EQUIVALENT OF 100 POLICE OFFICERS FOR ONE QUARTER OF THE YEAR.

Chief Gain: "Mr. President, members of the Commission, we previously submitted to you such a request, it was approved, and what we are doing here is still asking for $400,000 for the first quarter, but requesting that the money come from our salary line rather than from some other line that you approved previously at our request, and in our five page letter to you we also have a status report on our endeavors to overcome some limitations regarding, as regards training capability and FTO program school facilities and whatever, but in essence, we are asking for your general approval for the $400,000 supplemental, the money to come from our salary line."

Commissioner Murphy: "Previously, that was approved to come from....what overtime or....."

Chief Gain: "Last time we designated civilian salaries that was based on some cummunications with City Hall Budget Staff. We....it was agreed that those would be the appropriate lines. We have had further conversations, and now we all agree that it should come from that salary line."

Commissioner Murphy: "Is this for the Extended Work Week?"

Chief Gain: "Extended Work Week only."

Commissioner Murphy: "Or is it for a rental of schools?"

Chief Gain: "No, this is Extended Work Week only for one quarter which will be $400,000. There are some one point there, some odd million dollars on the salary line to hire additional officers and we want to use $400,000 of that."

Commissioner Murphy: "Is that money that we would otherwise not be able to use?"

Chief Gain: "Not be able to use because right now that money is designated to hire additional officers, which we cannot hire, and as it states here, also, if we overcome some problems, particularly in acquiring a school plant which we will be discussing in another agenda item, and be able to extend our field training program, we will only be able to hire projectively 30 additional police officers, only 30, there is money here to hire one hundred fifty each at different times during the fiscal year, so even though we do overcome our problems, we will wind up, because of limitations in our field training officer program during this fiscal year, of hiring approximately 30 more."

Commissioner Murphy: "I move we approve."

Commissioner Sanchez: "I second it."

Commissioner Siggins: "Anything further? All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 327-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $400,000, as follows:

Appropriation No. 8.161.113.000.000
Extended Work Week-Uniform Force $400,000

and credit it to the following appropriation in the amount indicated:

Appropriation No. 8.161.110.000.000
Permanent Salaries-Uniform Force $400,000

to provide funding to support an Extended Work Week (EWW) Program amounting to the equivalent of 100 police officers for one quarter of the year.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $98,595 TO PROVIDE FUNDING FOR THE LEASE OF A VACANT SCHOOL FACILITY (FREMONT SCHOOL) BELONGING TO THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT FOR USE AS A POLICE DEPARTMENT TRAINING FACILITY FROM OCTOBER 1, 1978 THROUGH THE REMAINDER OF THE FISCAL YEAR.

Chief Gain: "Mr. President, this is a matter we have discussed with the Commission, the dire need we have for a facility to accommodate all of our various training, particularly the recruit training, but also advanced officers schools and whatever it may be, and we have had several meetings with School Department persons, the last one being at noontime today, which was brought about by Dr. Sanchez to bring to a head what the charges, if any, would be for the Police Department acquiring the school facility, so that's the way it appears now, it will cost us, fiscal year basis, approximately a hundred thousand dollars....the amount we are asking for is for partial fiscal year commencing in October. The process we're going through is that we met with school officials and they have given us a figure which is reflected here. We're having the City Real Estate Department make an estimate of what a fair rental lease costs would be, and we will have that figure in at least a few days, so we would like to get your approval of this so that we can get the process started. This has to go from the Commission, assuming approval to the Mayor's Office for approval,

and then before we can actually enter into an agreement with them, we have to have the Board of Supervisors approval, and at the same time we have to have the Board of Education's approval, so it's kind of a laborious process, but everything is going to go smooth, this is proven tonight, we, having the approvals made and there is, at least as far as the School Board, there is a price they have designated, then we will see what a fair fee will be."

Commissioner Ciani: "Are you looking at other types of facilities other than a school facility? Might there be space available commercially since we have to pay for it anyway?"

Chief Gain: "Well, we feel definitely that we could not rent any private facility for anywhere near this price, nowhere near it, because the square footage cost here is much less."

Commissioner Murphy: "Do you need that much space?"

Chief Gain: "Yes, we are only talking about 15 rooms, a library, a gymnasium, now we need that type of facility now, there is no way we know that any private industry, private enterprise setting that we are going to have athletic facilities, we're going to have a gymnasium, we're going to have libraries, and sufficient classrooms so we're talking about facilities which will house our training staff, audio visual equipment, a library, and also accommodate at the same time, a recruit school, several classes for advanced officers school, the school we hold and very hopefully we will enter into arrangements whereby we will also use those facilities so we will have a joint police-student use to which there are some advantages, and this is Dr. Sanchez's initial idea, which is an excellent one, perhaps he would want to speak to that facet of it."

Commissioner Murphy: "What kind of students?"

Commissioner Sanchez: "If perhaps I might, the initial negotiatons were, basically, are at this point, is it's less then 20 cents a square foot, which is fairly reasonable, even though its high, because we are talking about another city agency. Fremont School was reviewed thoroughly by Staff as far as the Police Department goes, and also as far as the School District Staff went, because it's a class A type building structurely, physically, whatever it is one of the better buildings available as far as utilization, initially we thought we would be able to get it for zero and/or develop some programs, the Unified School District as far as the whole question of law enforcement and access

for young people, as far as opportunities in the area there was some discussion and some mention of some programs in Houston which has a Law Enforcement Career Program for secondary students and over the years we have like an Allied Health Program which has been operational over the past four years, where a number of our junior and senior high school students have been exposed to the work of medicine, nursing, pharmacy, whatever. In the actual discussion with Staff, there is this feeling of isolation, this feeling of polarization between law enforcement and young people in the city areas, and this is of concern as far as we, as a law agency goes. And there are a number of funds available, whether it be from the National Institute of Mental Health to Law Enforcement Agencies to others, that at some point we should be able to set down and develop some unique curriculum opportunities to expose young people as far as the whole question of law enforcement is in an institutional isolation and there are things that we will develop collectively once we actually move physically over there. At the same time the School Baord would like to cut back on the amount of money spent for rentals once we get these programs off the ground, but at this point they are coping with the 27 million dollar deficit with a lot of problems of who is going to pick up child care, and laying off the three hundred employees, and closing of additional schools, and at this point the School Board has to talk dollar values, and hopefully, will be bringing this before a resolution as far as the next 2 or 3 meetings, but the cooperation of the School District, the Staff, the Chief, has been very positive, and hopefully, we can make even a more positive contribution as we talk about law enforcement career options for a variety of young people in San Francisco, and I think this is one of our ultimate objectives as we develop a more meaningful and functional program."

Commissioner Siggins: "Now we are just talking about a short term although....."

Commissioner Murphy: "I have a few other questions about the arrangements. How much of the year would you actually be using, fully utilizing the space?"

Chief Gain: "All year long."

Commissioner Murphy: "All year long and would you have.....if you do develop...are you going to do any interior renovation?"

Chief Gain: "Well, there will have to be some...to accommodate the adults, for example."

Commissioner Murphy: "Is this school available for .....would your lease contain an option to renew for further years?"

Chief Gain: "Sure."

Commissioner Murphy: "It would?"

Chief Gain: "We assume that the school would be available to us continously until such time.... but if it ever comes that the school people would need the school back for the usual purposes....."

Commissioner Murphy: "I was going to say that if you put anything into developing it, you should have the option to renew year to year, at least for a certain number of years, and finally, it is mentioned getting LEAA funding, etc., would that be for the initial year, or is that something you will look for in the future?"

Chief Gain: "Later on, as we mentioned in our letter, initially, we have to go in and use our own funding. What we hope to do is to explore with HEW, LEAA, whatever federal agency gets funds for innovated educational-type programs, so we can get programs going,....and all of these...we're talking about concepts now that will have to be solidified later on to get students involved, to get, for example, a Criminal Justice Training Center where we can have the Probation Department come in, and other components of the Criminal Justice System, then it's going to expand it, we might get HEW funding and various types of funding for that, we cannot as we know now, just from LEAA based upon the police department, so we are going in with our own money, assuming approval for the lease that will be the floor, then we will go from there to do all the things that potentially we can do with additional funding once we get the school plant, we might get HEW funding or some other federal agency....Yes, they are certainly aware that we need school space, we talk about that many, many times."

Commissioner Murphy: "Well is this likely to encounter any difficulty or might they require that this be transferred from some other item in the budget?"

Chief Gain: "We have already designated this money is coming out of our own budget, we are not asking ....."

Commissioner Murphy: "What is this coming out of?"

Chief Gain: "It's coming out of the same line, salary funds."

Commissioner Siggins: "I think this is the most practial way of trying it for awhile. Maybe it's not a good spot but we can try for now. We need something...what we envision if we had a school like this, a place to rent, what would we do with the academy here, or the space here?"

Chief Gain: "Right now Deputy Chief Amoroso and other units within the department....they have liked to supported this, they are dying for this space since they are overcrowded.....so, and there are other people outside of the police department in this building that want space also."

Commissioner Siggins: "I can see....."

Chief Gain: "But right now we are starting a big recruiting function in regards to our next Q2 exam. We are going to occupy one office with Sergeant Troy Dangerfield and some staff. Deputy Chief Amoroso needs space because of overcrowding in his units, so that space will be filled up immediately."

Commissioner Siggins: "But the rental takes over the whole school, Fremont School."

Chief Gain: "Right, the whole school."

Commissioner Siggins: "So I can see some offices in the department being....some other use of the building too, as long as it is there, we do..... and we are overcrowded here. What is the address?"

Commissioner Sanchez: "It is about six blocks from Pelton. I do not remember what.....2055 Silver Avenue."

Commissioner Siggins: "Silver and what?"

Sergeant Frazier: "Silver and Palou....about a half block from Palou at Silver."

Commissioner Sanchez: "Where the church was."

Commissioner Murphy: "Did we have an Office of Civilian Complaints Hearing out there?"

Commissioner Siggins: "Yes, it's your neighborhood."

Sergeant Frazier: "That is right."

Commissioner Toler: "Do you have any new other decisions?"

Commissioner Murphy: "How much renovation are... how much actual renovation are we going to have to do Chief, like changing.....?"

Chief Gain: "Actually no walls changing...we are talking about chairs, we need adult size chairs, we will need some tables, and need desks and things of that nature."

Commissioner Murphy: "We are not thinking about any alterations of walls of rooms, that sort of thing?"

Chief Gain: "No."

Commissioner Murphy: "No, so that is all pretty well....I mean that not any basic big expensive changes that you have to make like that."

Chief Gain: "We could not do anything without the School Board's approval anyway, and we have not discussed any type of alterations of that nature."

Commissioner Murphy: "But we don't need to, apparently."

Chief Gain: "No."

Commissioner Ciani: "I move approval of the Supplemental Appropriation request of Ninety-eight thousand, five hundred and ninety-five dollars."

Commissioner Toler: "I second the motion."

Commissioner Siggins: "Any questions? All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 328-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $98,595.00 as follows:

Appropriation No. 8.161.110.000.000
Permanent Salaries-Uniformed Force $98,595.00

and credit it to the following appropriation in the amount indicated:

Appropriation No. 8.161.995.000.000
Services of Other Departments
(San Francisco Unified School
District) $98,595.00

to provide funding for the lease of a vacant school facility (Fremont School) belonging to the San Francisco Unified School District for use as a police department training facility from October 1, 1978 through the remainder of the fiscal year.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Sergeant Frazier: "That concludes the items on todays calendar. However, we have several on the correspondences."

Commissioner Murphy: "Before we go to correspondence, may I ask something?"

Commissioner Siggins: "Yes."

Commissioner Murphy: "I am going to Santa Fe and I cannot get reservations on a plane on the 16th of August that will get me back in time for the Commission Meeting, except in lst class, and I wonder if there's going to be a quorum."

Commissioner Siggins: "We are talking about the 16th of August?"

Commissioner Murphy: "That is right."

Commissioner Siggins: "What are the calendar items on that week, is that.....?"

Sergeant Frazier: "Well, there is one hearing scheduled, a fellow by the name of Adkins, who's a Special Officer."

Commissioner Murphy: "If there's going to be a quorum, it would not be necessary for me to be here for that hearing."

Sergeant Frazier: "There will be a quorum unless some of the Commissioners have plans of....."

Commissioner Ciani: "I may be in Denver on business, but I won't know until next week."

Commissioner Siggins: "I may be in Eureka on business, but I can come back."

Commissioner Murphy: "On time?"

Commissioner Siggins: "Yes."

Commissioner Ciani: "I'll let you know next week."

Commissioner Siggins: "We will know next week."

Commissioner Murphy: "If you can be here and David, that is three."

Commissioner Siggins: "Let's keep the 16th open as a possible....the possibility of a change in a meeting....maybe we don't have....."

Commissioner Sanchez: "There is not going to be a quorum, we just want to have a meeting. We will put it over."

Commissioner Siggins: "Okay. Now the correspondence. Any question about the first letter? We did not answer that."

Sergeant Frazier: "The first letter?"

Commissioner Siggins: "Yes."

Commissioner Murphy: "Have we always participated in.....?"

Sergeant Frazier: "As far as I know."

Commissioner Ciani: "We usually have."

Chief Gain: "Well, we anticipate soon that they will be sending us some literature, and so on."

Commissioner Siggins: "Okay. There is nothing to respond to right now."

Chief Gain: "I do not think so, just informational .....before, what they have done, give informational type letters, then later on they brought in some literature and disseminated it throughout the department."

Commissioner Siggins: "Okay. Sergeant Frazier was....."

Commissioner Ciani: "Lieutenant Frazier....put that in his personnel folder."

Chief Gain: "That was an unsolicited letter."

Commissioner Ciani: "You didn't write that yourself, did you, Will?"

Chief Gain: "With regards to item #5, we are working on that annual report now."

Commissioner Siggins: "What about item #3? Have we answered that?"

Commissioner Murphy: "No. We really did not. Well, we answered, but we did not say very much. We just said we got your letter, and there is a court action....."

Commissioner Siggins: "What we're supposed to do, or the Chief is supposed to do under Proposition K, that Prop. K is set up some.....a lot of guidelines and....."

Chief Gain: "Yes, we are working on those."

Commissioner Siggins: "I think the letter is satisfactory."

Commissioner Ciani: "I don't require any discussion."

Commissioner Siggins: "In regards to that, the item #4, the fellow that wants to be a Patrol Special, I ran into John Candido the other day and he said he is not the president any more."

Sergeant Frazier: "He is not the president?"

Commissioner Siggins: "He's not the president any more, but he would take care of that and I told him that he would be contacted by somebody. Item #5 Chief, are you working on that?"

Chief Gain: "Yes."

Commissioner Siggins: "Okay, and item #6?"

Commissioner Murphy: "Yes, what about that?"

Commissioner Siggins: "That is answered."

Commissioner Ciani: "I move that we adjourn."

Commissioner Siggins: "We covered the letters?"

Sergeant Frazier: "Yes, we did."

Commissioner Sanchez: "I second the motion."

Commissioner Siggins: "Motion by Commissioner Ciani to adjourn and seconded by Commissioner Sanchez. All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins: "Did we have any minutes?"

Sergeant Frazier: "No, you were out of town. Next week there will be."

The Commission adjourned its meeting at 2130 hours.

SECRETARY

9 AUGUST 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 9, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1701 UNION STREET - BEETHOVEN RESTAURANT-DENIED

a) At 1701 Union Street, install a 22' white zone, to extend from 22'north of south property line.

b) Remove meter #1701.

100 VAN NESS AVENUE - U.S. DEPT. OF HEALTH, EDUCATION & WELFARE

a) At 100 Van Ness Avenue, install a 44' blue zone, to extend from 34' to 78' north of south building line.

b) Remove meters #VAN 104 & 106.

875 POST STREET - LANTERN HOTEL - DENIED

a) At 875 Post Street, install a 22' white zone, to extend from 5' to 27' west of east property line.

b) Remove meter #POS 837.

575 GEARY STREET - ST. CLAIRE HOTEL - DENIED

a) At 575 Geary Street, install a 23' white zone, extending from 12' to 35' east of west property line.

b) Remove meter #GEA 595 and tow away sign.

1672 LOMBARD STREET - HAROLD HOOGASIAN FLOWERS

a) At 1672 Lombard Street, install a 26' green zone, to extend from east property line 26' west of same.

3372 - 26th STREET - GLOVER UPHOLSTERS.

a) At 3372-26th Street, install an 18' yellow zone, to extend from 5' to 23' east of west property line.

b) Revoek 18' white zone, extending from 5' to 23' east of west property line.

1355 SUTTER STREET - BRIGGS, ANDREW, POPE & CO

a) At 1355 Sutter Street, install a 22' white zone, to extend from 53' to 75' west of east property line.

b) Remove meter S-1325.

157 BLUXOME - ANDREW CO. - DENIED

a) At 157 Bluxome, install a 22' green zone, to extend from west property line 22' east of same.

3391 WASHINGTON STREET - CONSULATE OF THE REPUBLIC OF MALAWI

a) At 3391 Washington Street, install a 38' white zone, to extend from 38' west of east property line.

2314-2316 POLK STREET - RUEBA POLK & BLUE PARROTT - DENIED

a) At 2314-2316 Polk Street, install a 22' white zone, extending from 7' to 29' north of south property line.

b) Remove existing 28' yellow zone.

2475 GREENWICH STREET - JUVENILE BUREAU

a) At 2475 Greenwich Street, revoke existing 69' white zone, extending from 15' to 84' east of west property line.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 115 feet of white and yellow zone, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 335-78

CALIFORNIA DEPARTMENT OF TRANSPORTATION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California Department of Transportation against the City and County of San Francisco in the sum of $146.39 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 6, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 336-78

JEROME H. CASSIDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerome H. Cassidy against the City and County of San Francisco in the sum of $188.27 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 20, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 337-78

HILDA LAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hilda Lai against the City and County of San Francisco in the sum of $54.55 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 20, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 338-78

ROBERT WILSON MCCALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Wilson McCall against the City and County of San Francisco in the sum of $500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 4, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 339-78

DOROTHY VELOSO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorothy Veloso against the City and County of San Francisco in the sum of $12.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 340-78

WYMAN W. WEATHERSBY AND HIS ATTORNEYS GORDON, WELTIN, HOLSTEIN & ROPER

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Wyman W. Weathersby and his attorneys Gordon, Weltin, Holstein & Roper in the sum of $1,000.00 in Superior Court Action No. 708-812 entitled, "Wyman W. Weathersby v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved

Date of Incident: September 1, 1975

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO: 341-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Lieutenant Richard D. Klapp) $230.00 (At the Post Basic
Personnel & Training) (Course Revision Consortium Conference
(and Commission Public
(Hearing at San Diego,
(California, from July
(25, 1978 to July 28,
(1978, inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 342-78

AUTHORIZING ATTENDANCE OF DR. MIMI H. SILBERT, TRAINING CONSULTANT AND SERGEANT MICHAEL S. HEBEL, PERSONNEL AND TRAINING, AT THE BASIC COURSE REVISION CONSORTIUM WORKSHOP SPONSORED BY THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST), AT SAN DIEGO, CALIFORNIA, ON AUGUST 23, 1978 AND AUGUST 24, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Dr. Mimi H. Silbert, Training Consultant and Sergeant Michael S. Hebel, Personnel and Training, be detailed to attend the Basic Course Revision Consortium Workshop, sponsored by the Commission on Peace Officers Standards and Training (POST), at San Diego, California, on August 23, 1978 and August 24, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Dr. Silbert and Sergeant Hebel in a sum not to exceed $150.00 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 343-78

AUTHORIZING ATTENDANCE OF LIEUTENANT CHARLES F. BEENE, CRIME SPECIFIC TASK FORCE, AT THE WORKSHOP ON STREET CRIME UNITS SPONSORED BY THE TECHNOLOGY, INC., AND L.E.A.A., AT CHICAGO, ILLINOIS, FROM AUGUST 21, 1978 TO AUGUST 23, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Charles F. Beene, Crime Specific Task Force, be detailed to attend the Workshop on Street Crime Units sponsored by the Technology, Inc, and L.E.A.A., at Chicago, Illinois, from August 21, 1978 to August 23, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Charles F. Beene, will be paid by the Law Enforcement Assistance Administration.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 344-78

AUTHORIZING ATTENDANCE OF OFFICERS WILLIAM TRANER, AND RAYMOND PORTUE, CRIME SPECIFIC TASK FORCE, (EOD UNIT), AT THE EXPLOSIVE ORDNANCE DISPOSAL REFRESHER TRAINING COURSE, SPONSORED BY THE UNITED STATED ARMY, AT REDSTONE ARSENAL, HUNTSVILLE, ALABAMA, FROM AUGUST 27, 1978 TO SEPTEMBER 1, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Officers William Traner and Raymond Portue, Crime Specific Task Force (EOD Unit), be deatiled to attend the Explosive Ordnance Disposal Refresher Training Course, sponsored by the United States Army, at Redstone Arsenal, Huntsville, Alabama, from August 27, 1978 to September 1, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Officers Traner and Portue in a sum not to exceed $602.00 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

No weekly sick report was presented to the Police Commission at this time.

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meetings of May 31, 1978, June 7, 1978, and June 14, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, a brief report on our preliminary Crime Summary for the month of July. We submitted to you, just tonight, our preliminary report which shows that com-

paring the month of July 1978 to July 1977, there was approximately a 3% increase in serious crimes, and for the period of January through July this year compared to last year, there is a 3% decrease in the volume of serious crime. What is occurring is that which is, unfortunately we had to project about last April, we then had approximately a 7% decrease in serious crimes as I recall from year to date, and then we projected that based upon experience in our resources that we would have an experience of crime leveling out, so we are now down to 3% decrease for year to date, and we anticipated, as projected, that probably by the end of this month or next, it will even out, and before the year is over, we will experience an increase in reported crime tributarily mainly to our current resources not being adequate to impact upon quantity of serious crime."

Commissioner Ciani: "Chief, you included in your materials a report on forcible rape, which indicates that the trend was decreasing in June by 13.5%, and then the crime statistics for July indicated a 6.1% increase....so actually....."

Chief Gain: "That is compared to July, 1977."

Commissioner Ciani: "What is....so the June figure is as compared to previous month, May 1978."

Chief Gain: "No, it's July 1978 compared to July, 1977. I think you have the June report, right?"

Commissioner Ciani: "Well, I am looking at the June analysis that says compared to June, 1977, that was a 13.5% decrease in June 1978."

Chief Gain: "It is month to month."

Commissioner Ciani: "And so that part of that decrease was recovered in July, so that 6.1% does not represent an upward trend, but just leveling off, is that accurate?"

Chief Gain: "No, this still is an upward trend, because year to date, January, July 1978, compared to the same period last year, there is a 17.4% increase in reported rapes, so on a month to month, we found that the last couple of months, just on a monthly basis, that the increase we're experiencing before, the dramatic increases we are not experiencing now, although there is still an increase in reported rapes."

Commissioner Siggins: "Well, if you read these reports, May we have 52, June 45, and July 35."

Commissioner Murphy: "It decreased in April, May and June again."

Chief Gain: "We are comparing the month in 1978 with the month in 1977."

Commissioner Ciani: "In both cases?"

Chief Gain: "Yes, that is what's being done here, so we are not comparing month after month, this except for year to date, where we show January through July this year, compared to same period last year."

Commissioner Toler: "Keep the rapist, have we apprehended or arrested any of the rapist?"

Chief Gain: "Oh, yes, there are arrests, and I do not have the dates here because this is a preliminary report, but in our final report, which you will receive in about a week, it shows the number of arrests this year to date, compared to last year, so definitely arrests are being made. Again, if I may observe, that we consider it a good thing that we are getting the number of rapist reports that we are receiving, so when we have an increase in reports in rape what it demonstrated to us that organizations in the community involved with these matters agree that the increase is good in reported rapes, because it demonstrates that more women are reporting as compared to reports received previously, as we know, there was an article in the paper, rape is one of the most under-reported of all crimes, so in San Francisco when we see these increased reports of rape, what we are probably experiencing then is getting more women....more women are reporting, and perhaps then the reported factor will some day equal the actual number which occur, then will we have a better capability for prevention through education, through employment of personnel, whatever it may be."

Commissioner Ciani: "I want to ask about that because this is a very good analysis of the rape statistics, both of the point of view of creating a profile of the kind of situation that results in that crime, also listing the advice that is given to women to help them to avoid it. Is this analysis distributed to the press? I think it makes it....."

Chief Gain: "The press gets copies every month, then and in the past, a couple of times at least, there

have been very good articles in the newspapers with graphs and the whole thing. In addition, all organizations in the city that are interested, Rape Crisis Centers and so on, they get copies, then in our S.A.F.E., Program it is used there also, so there is wide dissemination."

Commissioner Murphy: "Could I ask you, have any of the rapist been apprehended, have been..... any of those.....that we are....fairly certain have been repeaters, in other words, have raped more than one woman?"

Chief Gain: "Some of them."

Commissioner Murphy: "Some of them have?"

Chief Gain: "Sure."

Commissioner Murphy: "We do not get reports on that, it looks as if there is sort of a bottomless pit, and it would be good, I suppose, in your analysis you could indicate that at least they are suspected of raping more than one person."

Chief Gain: "Most of them are single acts, arrest for single acts."

Commissioner Murphy: "I understand that, but we had some that were reported, for example, the "pillow case rapist," that we're practically certain that they had raped more than one person, in other words their M.O., is such that....."

Chief Gain: "Deputy Chief Mullen is pointing out on page 3, it states that the 15 suspects were arrested for forcible rape in June 1978 and 15 cases were cleared by the 15 arrests, so those are individual cases."

Commissioner Siggins: "So that means 15 of the 49, or are you talking about some earlier arrest?"

Chief Gain: "Oh, it could be earlier that does not necessarily mean they are for the same month, because sometimes extensive investigation is called for in order to make apprehension, yes sir."

Commissioner Sanchez: "As far as residents, are they residents of San Francisco or are they just visiting?"

Chief Gain: "Basically, if I recall, from San Francisco."

Commissioner Murphy: "Chief, on the footnotes of the statistics, how do you think it might effect the statistics of the 'mail in reports' are lacking, is that a significant factor in the figures?"

Chief Gain: "This time there are about 300.... approximately 300 mail in reports and the major would be in regard to thefts, so certainly that would increase overall quantity of serious crimes, because a theft, unfortunately, is given the weight as a murder as far as reporting, someone steals a pencil, there is an apprehension made, the theft of that pencil has as much weight in our reporting system because it is counted as serious crime, the same as a rape or burglary or anything else, so that will be reflected next month."

Commissioner Ciani: "Oh, will it be?"

Chief Gain: "Oh yes."

Commissioner Ciani: "It will be added into next month figures?"

Chief Gain: "Absolutely."

Commissioner Ciani: "Or do you go back and correct ....."

Chief Gain: "No, what happens is it will go into next months figures and then, of course, it will all even out at the end of the year, we have the total quantity of crime, so we cannot adjust because at the end of the month our computerized reports goes immediately to Sacramento, from there to Washington, D.C., for uniform crime reporting, that is how it works."

Commissioner Ciani: "Thank you."

Commissioner Siggins: "Any other questions of the Chief? Can we have the next item? Thank you, Chief."

RESOLUTION NO. 345-78

POLICE OFFICER ROBERT C. MULRY, SUPPORT SERVICES-COMMUNICATIONS

WHEREAS, charges of violating the Rules

and Procedures of the San Francisco Police Department were filed against Police Officer Robert C. Mulry, Support Services-Communications, as follows:

SPECIFICATION NO. 1

Violation of Rule 2.36 (Physical Standards) of the Rules and Procedures of the San Francisco Police Department.

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Robert C. Mulry, Support Services-Communications, be, and the same is hereby set for Wednesday, August 23, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 346-78

SERGEANT BURTON J. BISHOP, PROPERTY CLERK SECTION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Sergeant Burton J. Bishop, Property Clerk Section, as follows:

SPECIFICATION NO. 1

Intoxication on Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 2

Conduct Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to answer Truthfully. (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Sergeant Burton J. Bishop, Property Clerk Section, be, and the same is hereby set for Wednesday, August 23, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 347-78

PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Patrol Special Officer Albert Robles, Central Police District, as follows:

SPECIFICATION NO. 1

Conduct subverting good order, efficiency, discipline (Violation of Rule 2.13 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 2

Failure to truthfully answer questions (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Patrol Special Officer Albert Robles, Central Police District, be,

and the same is hereby set for Wednesday, August 23, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECEIPT OF PROPOSED DEPARTMENT GENERAL ORDER ESTABLISHING EMERGENCY (CODE #3)DRIVING REGULATION AND PROCEDURES. (COPIES SENT TO EMPLOYEE ORGANIZATIONS.)

Commissioner Siggins: "When were they sent, July?"

Chief Gain: "They were sent last Friday."

Commissioner Siggins: "Is there any response, or should we just time run on it until they have a chance to analyze it?"

Chief Gain: "There have been no responses because we have been meeting with them on other matters, so they have the ten day period."

Commissioner Siggins: "Yes, you just want to put it over then, put this over for a couple of weeks, then keep it on our calendar?"

Chief Gain: "Yes sir."

Commissioner Siggins: "August 23rd."

Commissioner Ciani: "Are these new guidelines or are they revisions of existing guidelines?"

Chief Gain: "They are totally new."

Commissioner Ciani: "There is nothing....."

Chief Gain: "In our cover letter....our guidelines now practically are non-existent. In our cover letter we stated that at present our rule requires only that the officer shall drive with due regard to the safety of all persons using the highway, that is basically our rule now, which is totally inadequate, so these are probably the most comprehensive set of regulations governing emergency and pursuit driving that exist anywhere, all of which we feel is very realistic."

Commissioner Ciani: "I was just saying that they better read them in advance because if they are in this kind of driving situation they do not want to be looking through these rules."

Commissioner Sanchez: "There will be a period to rap, at other meetings where we can have a full discussion?"

Commissioner Siggins: "Oh, yes."

Commissioner Sanchez: "Also get some input from the organizations, especially regarding the variable on speed and the what maximum would be given this, what would happen if an officer exceed that given the situation."

Commissioner Siggins: "Right, we can actually have a public hearing if someone wants one in that regard,but we will have it on the calendar. I think we should have input from the associations if they desire right before we have anything else."

Commissioner Murphy: "Well, it is important to get vehicles that can get up some speed."

Chief Gain: "That has changed quite a bit now."

Commissioner Murphy: "Good."

Commissioner Sanchez: "Yes, with all those Chevy Novas out there."

Commissioner Siggins: "Yes."

Chief Gain: "We have all of the new blue cars. They are good."

Commissioner Siggins: "Right, some of these rules apply downhill as well as uphill."

Commissioner Ciani: "That is what we need."

CONTINUATION OF THE HEARING OF CAPTAIN J. WILLIAM CONROY, - SUPPORT SERVICES - COMMUNICATIONS

The matter of the hearing of Captain J. William Conroy, Support Services-Communications, was called, it having been continued from the meeting of July 12, 1978.

Captain J. William Conroy appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence Wilson, Attorney at Law, appeared as the Prosecutor for the Police Department.

The following-named witnesses appeared for the Defense, were sworn and testified:

Lieutenant Matthew C. Duffy
Park Police Station

Sergeant Robert Paco
Park Police Station

Captain J. William Conroy
Support Services-Communications

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant Henry Idler
Support Services-Warrant Bureau

Sergeant Kelvin Brown
Park Police Station

Police Officer Roger Battaglia
Park Police Station

Commander Agustius B. Bruneman
Commander of Patrol

A closing argument was then presented by Mr. Stephen Bruce Bley, Defense Attorney.

A closing argument was then presented by Mr. Lawrence Wilson, Prosecuting Attorney.

The Commission then took the matter under advisement and the matter was continued to Wednesday, August 30, 1978 at 5:30 p.m. in Room 551, Hall of Justice.

Recess taken during the hearing of Captain J. William Conroy:

2010 hours to 2030 hours.

(The entire proceedings were taken in shorthand for by Hearing Reporter Dorsey McTaggart, C.S.R.)

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

The Commission adjourned its meeting at 2040 hours.

Sgt Gerald R McNaughton
ACTING SECRETARY

16 AUGUST 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 16, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Sanchez, Toler, Siggins

ABSENT: Commissioners Ciani, Murphy

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

526-2nd STREET - DANA INCORP.

a) At 526-2nd Street, revoke existing 18' yellow zone, extending from 9' to 27' north of south building line.

b) At 526-2nd Street, install a 5' red zone on each side of driveway for clearance.

19 STANYAN STREET - 19 STANYAN STREET

a) At 19 Stanyan Street, revoke existing 24' green zone, extending from 12' south to 12' north of north building line.

19 STANYAN STREET - FOOD MART

a) At 19 Stanyan Street, revoke existing 18' green zone, extending from 40' to 58' south of north building line.

19 STANYAN STREET - FOOD MART

a) At 19 Stanyan Street, revoke existing 28' yellow zone, extending from 12' to 40' south of the north building line.

610A COLE STREET - S.F. ROOMMATE REFERRAL SERVICE- DENIED

a) At 610A Cole Street, install a 21' green zone, to extend from 1' to 22' north of south property line.

b) At 610A Cole Street, revoke existing 21' yellow zone.

1001 WEBSTER STREET - 1ST UNION BAPTIST CHURCH

a) At 1001 Webster Street, install a 44' white zone, to extend from 4' to 48' north of south property line.

2750 GREAY - GARDEN HOSPITAL JERD SULLIVAN RE- HABILITATION CENTER

a) At 2750 Geary, install a 44' blue zone, to extend from ambulance entrance to 44' east of same.

b) Remove meters #2710 and #2708.

2276 BUSH STREET - GREAT PACIFIC TOUR CO.

a) At 2276 Bush Street, install a 22' white zone, to extend from west property line 22' east of same.

303 GOLDEN GATE AVENUE - SOCIAL SECURITY ADMIN- ISTRATION

a) At 303 Golden Gate Avenue, revoke existing 28' white zone, extending from 45' to 73' west of Hyde Street.

b) At 303 Golden Gate Avenue, revoke existing 22' blue zone, extending from 30' to 52' west of east property line.

1914 MISSION STREET - S.F.P.D.

a) At 1914 Mission Street, revoke existing 20' yellow zone, extending from 70' to 90' south of 15th Street.

AYES: Commissioners Sanchez, Toler, Higgins

NOT VOTING: Commissioners Ciani, Murphy

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 179 feet of yellow, white, green and blue zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

RESOLUTION NO. 348-78

GILBERT J. STEPHENSON, GUARDIAN AD LITEM FOR EDWARD J. STEPHENSON AND THEIR ATTORNEY DAVID P. WEAVER, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Gilbert J. Stephenson and their attorney David P.Weaver, Jr., in the sum of $25,000.00 in Superior Court Action No. 634-097 entitled, "Gilbert J. Stephenson v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 1, 1970

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

RESOLUTION NO. 349-78

DAVID GREGORY AND NANCY FOSTER AND TO THEIR ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of David Gregory and Nancy Foster and their attorney in the sum of $875.00 in United States Court District Action No. C77-0542 WWS entitled, "David Gregory and Nancy Foster v. City and County of San Francisco et al.," as the result of damages sustained be, and the same is hereby approved.

Date of Incident: April 22, 1976

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

RESOLUTION NO. 350-78

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF MARIO AMOROSO AND CRIME ANALYSIS SUPERVISOR LAWRENCE J. FUNK, AT AN ICAP POLICE COMMUNICATION WORKSHOP IN ARLINGTON, TEXAS, ON AUGUST 30, 1978 AND AUGUST 31, 1978 AND SEPTEMBER 1, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Mario Amoroso and Crime Analysis Supervisor Lawrence J. Funk, be detailed to attend an ICAP Police Communication Workshop in Arlington, Texas, on August 30, 1978, August 31, 1978 and September 1, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Deputy Chief Amoroso and Crime Analysis Supervisor Funk will be paid by the Integrated Criminal Apprehension Program.

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

RESOLUTION NO. 351-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER MATTHEW KRILETICH, CRIME PREVENTION EDUCATION UNIT AT THE CALIFORNIA CRIME PREVENTION INSTITUTE, SPONSORED BY LOSS PREVENTION, INC., AT POMONA, CALIFORNIA, FROM SEPTEMBER 10, 1978 TO SEPTEMBER 22, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Matthew Kriletich, Crime Prevention Education Unit be detailed to attend the California Crime Prevention Institute, sponsored by Loss Prevention, Inc., at Pomona, California, from September 10, 1978 to September 22, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Kriletich, Crime Prevention Education Unit, in a sum not to exceed $800.20 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Captain Rene C. Aufort, Central Police Station, for service, effective June 9, 1978.

b) Captain Andrew M. Kristensen, Juvenile Bureau, for service, effective June 9, 1978.

c) Captain Robert McFarland, Southeast Police Station, for service, effective June 9,1978.

d) Captain James M. Curran, Support Services-Communications, for service, effective June 7, 1978.

e) Captain Paul A. Lawler, Bureau of Investigations, for service, effective June 9, 1978.

f) Lieutenant Robert M. Spotwood, Southern Police Station, for service, effective June 6, 1978.

g) Lieutenant William Rivas, Park Police Station, for service, effective June 9, 1978.

h) Lieutenant Jack D. Miller, Bureau of Investigations, for service, effective June 9, 1978.

i) Lieutenant Henry L. Lasher, Southeast Police Station, for service, effective June 30, 1978.

j) Lieutenant Morris Hazen, Richmond Police Station, for service, effective June 8, 1978.

k) Sergeant Julio O. Fernandez, Mission Police Station, for service, effective June 6, 1978.

l) Sergeant Frank Kovach, Headquarters, Police Range, for service, effective June 6, 1978.

m) Sergeant George O. Holmberg, Southern Police Station, for service, effective June 29, 1978.

n) Sergeant William Samarin, Southeast Police Station, for service, effective June 8, 1978.

o) Sergeant John A. Maring, Taraval Police Station, for service, effective June 7, 1978.

p) Sergeant Jasper Starkie, Southeast Police Station, for service, effective June 1, 1978.

q) Sergeant Elmer W. Cuado, Ingleside Police Station, for service, effective June 5, 1978.

r) Sergeant William Porter Jr., Mission Police Station, for service, effective June 6, 1978.

s) Sergeant Thomas A. Morris, Southeast Police Station, for service, effective June 30, 1978.

t) Sergeant Felix Buckley, Southern Police Station, for service, effective June 30, 1978.

u) Inspector William P. Sammon, Inspectors Bureau, for service, effective June 6, 1978.

v) Inspector Raymond W.Skow, Narcotics Bureau, for service, effective June 5, 1978.

w) Inspector Richard J. Coyle, Inspectors Bureau, for service,effective June 24, 1978.

x) Inspector John J. Cavalli, Inspectors Bureau, for service, effective June 7, 1978.

y) Inspector John Barisone, Inspectors Bureau, for service, effective, June 28, 1978.

z) Inspector Carol F. Marshall, Inspectors Bureau, for service, effective June 6, 1978.

aa) Police Officer John H. Monson, Southeast Police Station, for service, effective June 13, 1978.

bb) Police Officer Kenneth R. Murray, Headquarters-Permit Bureau, for service, effective June 29, 1978.

cc) Police Officer Harry J. Merrill, Identification Bureau, for service, effective June 26, 1978.

dd) Police Officer William T. Creedon, Southern Police Station, for service, effective June 6, 1978.

The communications were ordered filed.

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

WEEKLY SICK REPORT

No weekly sick report was furnished to the Police Commission at this meeting.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, no report tonight."

MATTER OF PATROL SPECIAL BEAT NO. 46, RE: CLAIM OF MRS. ERMA JEWETT TO BE REPRESENTED BY ATTORNEY JERRY E. BERG.

Commissioner Siggins: "This is not...Are you Mr. Berg?"

Mr. Berg: "Yes, I am.:

Commissioner Siggins: "I see, I see, Okay."

Mr. Berg: "Jerry Berg, and my client is not here and she is expected, she is coming from San Jose, she may be tied up in traffic."

Commissioner Siggins: "Oh, are you involved in this?"

Dave Roche: "Yes, I am Dave Roche, representing Mr. Torres. Mr. Commissioner this is a rather involved matter that goes back some time with Mr. Berg concurrent I would recommend that both sides brief this matter and present it to the Commission because otherwise I am afraid we will have quite a lenghty hearing on it."

Commissioner Siggins: "Well, first of all let me ask you this, all we have here is an interlocutory decree, was there ever a final?"

Mr. Berg: "Yes, there was."

Dave Roche: "There was a meeting of the Commission some years ago, which Mr. Torres appeared before the Police Commission. I do not think it was the present Commission which Mr. Torres was before, this prsent Commission or previous Commission, the previous Commission did give Mr. Torres permission to work the beat in the absence of an owner, it is our contention I think we can show that the beat was actually abandoned by Mr. Jewett and when the court awarded the beat to Mrs. Jewett there was nothing to really award because the beat had been abandoned under the rules of the Commission. I think we have some rather involved problems here."

Commissioner Siggins: "Yes."

Mr. Berg: "That is news to me, I have not heard that. It has been my understanding that it has been worked continually. It seems to me that the issues are rather clear, it has never been sold, it has never been awarded to anyone else."

Commissioner Siggins: "Well, there has got to be some kind of history on the thing. The Superior Court Judge could not properly transfer a beat in San Francisco without having approval of the Police Commission."

Mr. Berg: "Yes, then unfortunately, that was not known by Mrs. Jewett's attorney at that time."

Commissioner Siggins: "There are certain requirements that she would have to fulfill before she could actually become an owner of the beat here."

Mr. Berg: "I am totally aware of that and so what we want to do now is clear up the title so she can sell it, because she is anxious to sell it to someone who would be qualified to own the beat."

Commissioner Siggins: "Well, then Mr. Roche has indicated that the Commission had acted in some way upon Mr. Torres, so we will have to go back....."

Mr. Wilson: "If I may sir, this matter came up in the Legal Office and I have done some research on it, in fact the Commission really has taken no action, it has gone on calendar and delay off calendar a considerable number of times some seven years ago. I have gone through the books 1970 on and there has not

been no judication of the ownership of the beat, and no judication that the beat has been abandoned either, that was suggest at one time. I am not saying that this is cut and dry one way or another, but the Commission has not taken no action on it."

Commissioner Siggins: "Well, how did Mr. Torres get started on the beat?"

Mr. Roche: "Mr. Torres has a Power of Attorney form Mr. Jewett that he could act in his stead, then, I did not catch your name."

Commissioner Siggins: "Mr. Wilson."

Mr. Roche: "As Mr. Wilson indicated to you, it was before the Commission several times. The Commission did honor that Power of Attorney and give Mr. Torres the permission to work the beat pending the determination as to the ownership of the beat. It is our contention that, one, is that the beat has been abandoned, and two, is that we have a lien for quite a bit of money against the beat that is due Mr. Torres for working the beat for which he has never been paid."

Commissioner Siggins: "Was this in your regime, Mr. Rolovich?"

Mr. Rolovich: "No, this is back in the 60's."

Commissioner Toler: "How much money is involved as far as salaries?"

Mr. Roche: "We think something in the excess of .....we have not figured it out exactly because we have figured out the exact income to each year, we think it is somewhere in the neighborhood of $40,000 for the seven years."

Mr.Roche: "It was Alfred Milford Jewett who resigned and essentially just packed and left."

Commissioner Sanchez: "Mr. Torres has been working the beat for how long now?"

Mr. Roche: "Seven years."

Commissioner Sanchez: "Seven years."

Mr. Roche: "Since April the.....April 1970."

Commissioner Siggins: "And Mr. Berg is representing Mrs. Jewett. His client did not realize her rights until very recently, until she went to him. Was she represented in the divorce matter?"

Mr. Berg: "Yes, she was by counsel and the beat was awarded to her, I granted that your point is well taken erronously without the Police Commission approval, she is not a sophisticated woman and she just hung on to her divorce decree all this time, and finally, when it came to her attention that there were some other problems with the beat that she decided to seek counsel and came to me, and that is how I became involved. She has not received, during the course of these seven years, she has not received any income from the working of this beat. I might add that there was a lot of bad blood between Mrs. Jewett and her husband."

Commissioner Siggins: "Is there still?"

Mr. Berg: "Well, he disappeared."

Commissioner Siggins: "Well."

Mr. Roche: "The last we heard of Mr. Jewett was that he was a fugitive from the State of Texas. I do not think we are going to find him at this time."

Mr. Berg: "He was anxious not to cooperate with his wife early on and that can be easily documented."

Commissioner Siggins: "Well, I still find some fault there. Oh, Mr. Torres cannot say he owns the beat, he just has some..."

Mr. Berg: "He has a lien on the beat."

Commissioner Siggins: "Some interest there....this probably includes Mrs. Jewett her, well, what?"

Commissioner Toler: "Is this lien prior to 1970?"

Commissioner Siggins: "No, I guess it must be prior or something after."

Mr. Roche: "Well, we had this matter before the Department of Labor while Mr. Jewett owned the beat and was present, however, before the matter can be heard before the Department of Labor, Mr. Jewett had left, and so there was nothing for the department to do."

Commissioner Siggins: "You mean Torres worked for him and then he owed him some back wages?"

Mr. Roche: "And even after Mr. Jewett left Mr. Torres continued to work the beat with the Commission's approval."

Mr. Berg: "But there has not been any formal liens of any description that I am aware of that....."

Mr. Roche: "There is no one to put a lien against."

Commissioner Siggins: "But why did Mr.Torres keep operating this and not bring it to some kind of a head?"

Mr. Roche: "Well, that's what....Mr.Torres came to me approximately a month ago."

Commissioner Siggins: "In the year 1971 he must have known that she was supposed to be the transferee of the beat."

Mr. Roche: "That was not certain at that time, that she was the transferee of the beat, but we did attempt to bring it before the Commission as Mr. Wilson has stated or Mr. Torres attempted to bring it before the Commission at three or four meetings and they just kind of slapped it off, and say well you just continue to work the beat....let it work itself out."

Commissioner Siggins: "Okay."

Commissioner Toler: "You mean Mrs. Jewett has not received anything from Mr. Torres since 1970?"

Mr. Berg: "No."

Commissioner Siggins: "She has no idea what the beat is worth anyway."

Mr. Berg: "No, we do not know what the receipts have been, this is of course, something, if successful in getting the title cleared, we will have to ascertain so we can sell the beat."

Commissioner Siggins: "Oh right, let's go back to 1970, was there some value put on the beat at the time of the dissolution?"

Mr. Berg: "Not to my knowledge."

Commissioner Siggins: "There probably was though, because the court made an order."

Mr. Roche: "It was a default judgment."

Commissioner Siggins: "Oh."

Mr. Berg: "That was the only property in the marriage and it was awarded to her at that time."

Commissioner Toler: "Did she realize that at the time it belong to her?"

Commissioner Siggins: "Yes."

Mr. Berg: "Yes. She has....."

Commissioner Sanchez: "It has been recently sought .....seek action to try and get it back."

Mr. Berg: "It came to her attention that there were some problems with the way the beat was being run. I do not know the nature of those problems in connnection with Mr. Torres, but it came to her attention and that is what motivated her to seek a resolution before she lost the beat through whatever these problems Mr. Torres is having are....."

Commissioner Sanchez: "Oh, this has taken place since July 3rd, 1970 as far as acquisition to the beat you have actually had that beat or at least the decree of....perhaps the resolution sites July 3rd, 1970, so therefore, from 1970 to 1978 now there has not been any formal or informal communication between Mrs. Jewett and between Mr. Torres."

Mr. Berg: "Yes, that is correct."

Commissioner Sanchez: "But evidently there was some concern now that she wants to either sell it or declare, if perhaps it is hers now."

Mr. Berg: "Her position is that it's hers, it was awarded to her, it has never been, it's just been held in a sort of limbo in that the Commission has never ruled on it, so that as far as your book goes it must....her husband, rather her ex-husband must be....show up in your books as the owner of it since it has never been declared abandoned nor has it been declared transferred or sold."

Commissioner Siggins: "How do we carry the beat number 46 on the books?"

Officer Rolovich: "It has been carried under the name of Milfred W. Jewett."

Mr. Torres: "As far as I know...when I reported to the Commission they told me that the beat was abandoned and just work it, that is all."

Commissioner Siggins: "What district is that in?"

Officer Rolovich: "Central."

Commissioner Siggins: "Central."

Officer Rolovich: "It is a Tenderloin beat."

Commissioner Siggins: "Have you been working it for...since 1970?"

Mr. Torres: "Since '66."

Commissioner Siggins: "An employee of Mr. Jewett?"

Mr. Torres: "Yes."

Commissioner Siggins: "Mr. Jewett until when?"

Mr. Torres: "He left....he resigned on April 13th, 1970, in other words he abandoned the beat then."

Commissioner Siggins: "How do you mean resigned?"

Mr.Torres: "He resigned from the Police Department and took off."

Mr. Wilson: "We have a letter of resignation that says, it is dated March 20th, addressed to the Chief."

Commissioner Siggins: "Okay, and how many officers did he have at that time working for him?"

Mr. Torres: "Just myself, sir."

Commissioner Siggins: "Okay, and what have you been doing in the last year, by yourself or do you have someone?"

Mr. Torres: "Last year I have had two people, one I let go and I have the present assistant now."

Commissioner Siggins: "How big is the beat?"

Mr. Torres: "It is about eight blocks wide...square."

Commissioner Toler: "Mr. Torres, did you know if the ownership after Mr. Jewett abandoned the beat and took off, did you contact Mrs. Jewett at any time during the period?"

Mr. Torres: "No, the last time I saw Mrs. Jewett was at the time of the Police Commission hearing which at that time, Chief Nelder was the Chief and what I understand is that they cancelled the hearing and at that time Officer Roche told me that the Commission said go ahead and work it because it was an abandoned beat."

Commissioner Siggins: "Well, someday....creating some litigation....what do you suggest now, you said you want to brief something."

Mr. Roche: "I did not know if the Commission wanted to take time tonight to hear the entire history of the beat. I thought we could send the Commission a letter stating our positions then we could come back in two weeks and then I think you would have a better grasp of the issues that are involved, our position on them and then you will have something more to make a determination on."

Commissioner Toler: "Are you doubting the ownership of the beat?"

Mr.Roche: "Well, we are contending that the beat was abandoned by Mr. Jewett and when the court awarded the beat to Mrs. Jewett they had two fatal flaws, one, they did not get the Commission's permission to transfer, which they have to under the City Charter, two, the beat was abandoned, so there is really nothing to award, that Mr. Torres has been given permission, although Mr. Wilson's statement is correct, that the Commission never did make a formal declaration of the ownership, however, they did tell Mr. Torres that he could work the beat."

Commissioner Toler: "How does one acquire ownership of a beat or acquire a beat?"

Mr. Roche: "Well, essentially by purchasing it from another owner."

Commissioner Toler: "Now if I abandoned my beat and I purchase a beat and then I abandoned my beat, you say I no longer own one or there is no record?"

Mr. Roche: "It reverts back to the Police Commission and then the Police Commission will award it to someone else."

Commissioner Siggins: "Well, just looking at this interlocutory, in 1970 Mrs. Jewett had two six-year old children and one baby that was not a year old, so she probably was not in a position to run a beat at any rate. Were you living in San Francisco then?"

Mrs. Jewett: "No, I was living in San Jose."

Commissioner Siggins: "No, you must have been living in San Jose."

Mr. Berg: "Well, of course we will contend, as well, that she would have been the rightful person to be receiving some revenue from having this."

Commissioner Siggins: "She has no rights...I do not think she has any rights, Mr. Berg, until she's qualified before this Commission as operator of the beat. Yes, the Patrol Special Officer who had the right to collect the fee and so forth was her husband. She did not have any right there."

Mr. Berg: "Yes, I want it to be clear that we are not trying to qualify her to operate the beat, we are just trying to clear the title so she can have the opportunity to sell it."

Commissioner Siggins: "Well, she is coming out seven years later and trying to....Mr. Torres still has not qualified as an operator....."

Mr. Roche: "He is a sworn Patrol Special."

Commissioner Siggins: "Is he?"

Mr. Wilson: "I thought he was an Assistant Patrol Special."

Commissioner Siggins: "Yes."

Mr. Wilson: "Since the Commission....patrol special...."

Mr. Roche: "The City Charter does not talk about Assistant Patrol Special, the Charter talks about Patrol Special Officers who are owners of their beats."

Commissioner Siggins: "Yes, owner of a beat."

Mr. Roche: "Which implies that there are another class of Patrol Special who are not owner of their beats, so what you have essentially is one Patrol Special but two sub-sections."

Commissioner Siggins: "Okay, don't tell us that we have another author of legislation this week. Okay, why don't the two of you....why don't we follow that idea. Both state your position and then actually you....."

Mr. Berg: "I pretty much have stated my position. I would be interested to hear his."

Commissioner Siggins: "Well, we have heard it. The point is that the beat was abandoned by the owner of the beat and the Commission sometime in the last seven years told him to go ahead and operate the beat and authorized Mr. Torres to do so."

Mr. Berg: "Yes, I do not know if that was affirmatively done or that was just by default."

Commissioner Siggins: "Why don't we give you two weeks to look into that...is that true Mr. Wilson?"

Mr. Wilson: "I do not agree with the statements made by Mr. Roche. I went through some months ago, all the books."

Commissioner Siggins: "Oh, you did?"

Mr. Wilson: "From that date on really there is no records of his except that it was being put over. Why the Commission did not hear this, I do not know. I have the memoranda here in the file that reflect some initial activity in 1970, the department interest a little bit in 1973."

Commissioner Siggins: "Who is handling it then, who was writing the memo?"

Mr.Wilson: "This was written by David P. Roche, officer in Charge of the Legal Office."

Commissioner Siggins: "Oh."

Mr. Roche: "Self-serving document."

Commissioner Toler: "Is there time as far as the abandonment of a beat, is there a time whereby this department, or this department would claim that beat?"

Mr. Roche: "I content that the department....."

Mr. Wilson: "I do not think that they....Lieutenant Trueb is in a better position to give you....."

Commissioner Siggins: "I really think that would have to be going on a daily basis. You cannot abandon more than a day or two, is that about right?"

Mr. Wilson: "My sense from reading the minutes of the Commission is that Mrs. Jewett and her attorney made an attempt to get this and somehow it kept getting put off the calendar, they got discouraged and they felt they were not getting any place."

Commissioner Siggins: "Who was counsel for her then?"

Mr.Wilson: "I assume was counsel. I don't recall what was reflected in the minutes."

Commissioner Siggins: "Did you appear here Mrs. Jewett with a lawyer?"

Mrs. Jewett: "I appeared here before but, I do not remember if I had a lawyer at the time, that was 1970."

Commissioner Siggins: "What is your recollection of what happened?"

Mrs. Jewett: "I was assured that it would be resolved and put back on calendar, and I waited and nothing happened. I had no finances in order to hire an attorney at the time."

Commissioner Siggins: "What are we trying to do, sell the beat?"

Mrs. Jewett: "I was understood that it was my ownership and it was awarded to me and that what I should, but like I said I had no resources to follow since that Commission did not take any action on it, I just let it lay there."

Commissioner Siggins: "Do we have other beats that are in this kind of ownership mess?"

Mr. Torres: "Well, if a customer is not taken care of whether it is one day or two days, the beat is abandoned, in other words, if you find, if you have a certain number of customers and you do not take care of your customers, one day, then the beat is considered abandoned."

Commissioner Siggins: "Okay, what did you do in 1970 to the customers who had been dealing with Mr. Jewett?"

Mr. Torres: "I told them that Mr. Jewett left town and took off and that I was going to the Police Commission the next couple of days and I would let them know what had transpired and after I left the Commission, after they told me to work the beat, I went back to the customers and I told them what the Commission had decided, and they said okay, they would take the services and I have been handling the services since then."

Commissioner Siggins: "Did you bill them on your own letterhead?"

Mr. Torres: "Excuse me."

Commissioner Siggins: "You bill them, the customers, on your own letterhead?"

Mr. Torres: "I use the San Francisco Patrol Special Officer's letterhead."

Commissioner Siggins: "Did the Commission feel that the beat had been abandoned?"

Mr. Wilson: "It has been several months since I looked at the minutes, as I recall, it was nothing of any substance reflected on the minutes of the Commission. I will be happy, of course, to research that and report to the Commission what is in its books but, as I recall, it was all set for the next week, set for the next week, and then nothing."

Commissioner Siggins: "How many times did you come before the Commission, do you recall Mrs. Jewett?"

Mrs. Jewett: "Just once."

Commissioner Siggins: "Oh, and you do not remember whether you came here with counsel."

Mrs. Jewett: "I do not believe so, I could not afford counsel."

Commissioner Siggins: "What were you here for?"

Mrs. Jewett: "We were here for the same reason we are here now, and it was put off like I said."

Commissioner Siggins: "Well, before you get to the Commission the applicant for transfer would have had gone to the department, then to see if you qualified, and then you would be up here."

Officer Rolovich: "It would have to formerly go through the department and then be presented to the Police Commission. At that time, I cannot tell you who was handling it, so I do not know what the background of that is."

Mr. Berg: "And she was unaware of this procedure, and was not made aware of this procedure."

Chief Gain: "May I suggest Mr. President, that they do what Mr. Roche suggested, submit briefs, we will do research and fill....facts reflect what if an application was made and things of that mature."

Commissioner Siggins: "Okay, Mr. Berg said he has stated his position, he does not have to submit....."

Mr. Berg: "But I would, of course, like the opportunity to respond to whatever Mr. Roche....."

Commissioner Siggins: "Yes, right. I think that is fair and then you will have to check back on those minutes or have someone check back on those minutes."

Mr.Wilson: "Find out how the minutes are, then a written report on it."

Commissioner Siggins: "Oh, okay."

Mr. Roche: "We have some dates."

Commissioner Siggins: "What do you want?"

Mr. Roche: "Mr. Commissioner, till the 28th of, first Wednesday in September, I will have my written report in. The second week of September Mr. Berg will

have his in, the third week of September we can have a meeting."

Commissioner Siggins: "All right."

Mr. Berg: "Yes, that is fine."

Commissioner Siggins: "Okay, that will be Wednesday night."

Mr. Roche: "First week in September, first Wednesday in September."

Commissioner Toler: "The 6th."

Commissioner Sanchez: "Your's Mr. Berg will be what?"

Mr. Berg: "The following Wednesday, which will be September 13th. It will be on calendar for the 20th."

Commissioner Siggins: "Okay."

Mr. Roche: "May we have a copy of Mr. Wilson's report?"

Commissioner Siggins: "You can see if Mr. Wilson will give you the information he has."

Mr. Wilson: "I think it can be available by the 30th which will....."

Commissioner Siggins: "Yes, make that available to both attorneys."

Mr. Wilson: "Yes."

Mr. Berg: "Thank you."

Mr. Roche: "Thank you."

RESOLUTION NO. 352-78

POLICE OFFICER THOMAS DEL TORRE, CENTRAL POLICE STATION

WHEREAS, charges of violating the Rules and

Procedures of the San Francisco Police Department were filed against Police Officer Thomas Del Torre, Central Police Station, as follows:

SPECIFICATION NO. 1

Misconduct. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 2

Conduct Reflecting Discredit Upon the Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Thomas Del Torre, Central Police Station, be, and the same is hereby set for Wednesday, August 23, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani. Murphy

RESOLUTION NO. 353-78

POLICE OFFICER EDWARD RODRIGUEZ, CENTRAL POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Edward Rodriguez, Central Police Station, as follows:

SPECIFICATION NO. 1

Misconduct. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 2

Conduct Reflecting Discredit Upon the Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Edward Rodriguez, Central Police Station, be, and the same is hereby set for Wednesday, August 23, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

RESOLUTION NO. 354-78

WITHDRAWAL OF CHARGES FILED AGAINST PATROL SPECIAL OFFICER RAYMOND ADKINS, MISSION POLICE DISTRICT

WHEREAS, charges of violating the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department were filed against Patrol Special Officer Raymond Adkins, Mission Police District, as follows:

SPECIFICATION NO. 1

Soliciting or Accepting Clients Outside the Confines of the Defined Beat. (Violation of Section 3.437 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department.)

SPECIFICATION NO. 2

Leaving Beat, Absent Specified Exigent Circumstances. (Violation of Rule 9.29 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the above-stated charges filed before the Police Commission on May 5, 1978, against Patrol Special Officer Raymond Adkins, Mission Police District, be, and the same are hereby withdrawn.

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

DISCUSSION ON REQUEST FOR TRANSCRIPT OF THE HEARING OF GROVER D. FORD.

Commissioner Siggins: "I am not too enthusiastic about this transcript in the Baranco case. I do not think we have to do it, I think that bad present, pardon, into the Baranco, the Grover Ford matter."

Chief Gain: "Yes."

Commissioner Siggins: "There is no order in this regarding....this is a type of....Grover Ford is employable person and I do not see why within a fairly short time he cannot get employment, and this particular thing is made out of time when he is not working, but he might well be working very soon."

Mr. Wilson: "It is my understanding that a request has been made to the City Attorney's Office for an opinion as to whether we must issue the transcript without cost to the applicant."

Commissioner Siggins: "Will you tell them when you ask the City Attorney that to be sure to tell them that I suggest he is an ablebody person and he is not the type to be chronically unemployed, and he might well be working at this time."

Chief Gain: "But it is a policy matter for the Commission anyway."

Commissioner Siggins: "Yes, I think so."

Chief Gain: "If the Commission wants my resolution deny it, that could be done, could it not?"

Commissioner Toler: "It seems to me it could be."

Commissioner Siggins: "Yes. You remember the... incident."

Commissioner Toler: "Yes, I remember."

Commissioner Sanchez: "Well, I moved that permission be denied for the transcription, because if you do it for one case you will be getting it... before you know it, you will be racking up "X" number of bucks. I think until the City Attorney's Office has an opinion on it, he should take whatever policy we believe is correct."

Commissioner Siggins: "Yes, I think so."

Chief Gain: "Do you have my resolution?"

Voice from the Audience: "Yes."

Commissioner Siggins: "Motion by Commissioner Sanchez that the petition for the transcript be denied to Grover D. Ford, seconded by Commissioner Toler. All in favor?"

Commissioner Siggins: "Aye."

Commissioner Toler: "Aye."

Commissioner Sanchez: "Aye."

Commissioner Siggins: "The idea you do not have to get the City Attorney's Opinion."

Commissioner Sanchez: "That is off the record. How much would that cost, the transcript, about $2,000 bucks for that one, plus the other...."

RESOLUTION NO. 355-78

REQUEST FOR TRANSCRIPT OF HEARING OF GROVER D. FORD, MUNI TRANSIT SECURITY OFFICER - DENIED

WHEREAS, on August 8, 1978, a request by Mr. Gordon Baranco, Attorney at Law, representing Grover D. Ford, for preparation and delivery of the entire transcript of the hearing of Grover D. Ford before the Police Commission as a result of Mr. Ford's indigency, he requested the cost be incurred by the City and County of San Francisco; and

WHEREAS, a hearing was had before the Police Commission on Wednesday, August 16, 1978, and the matter was discussed by the Police Commission; therefore be it

RESOLVED, that the Police Commission does hereby deny the request of Mr. Gordon Baranco, Attorney at Law, for said transcript.

AYES: Commissioners Sanchez, Toler, Siggins

NOT VOTING: Commissioners Ciani, Murphy

CORRESPONDENCE

Commissioner Siggins: "Did you get a copy of the letter that Frank Hill wrote here to Roger Levzit? It is #1 on the correspondence list, I think, it is actual....I don't know what he expects us to do about it, but take a look at it, see what you think."

Chief Gain: "We are acting in a whole....."

Commissioner Siggins: "Frank Hill is a letter writer anyway, but....."

Mr. Wilson: "I called Gerald Crowley, President of the Police Officers Association."

Commissioner Siggins: "I recognize the name."

Mr. Wilson: "The meeting is set for the meeting to concur regarding Code 3 Emergency Rules and Regulations, and ask them to appear and set a date. However, they were reluctant to appear before the Commission and they give us five dates here in which I made a notation for the Commissioners, in which that would be acceptable or be acceptable to them before the Commission."

Commissioner Siggins: "Some body wrote an article in a magazine that the Commission hates cops so maybe that is, that is why they do not want to appear before us. What I really want to, and I ask them to be here was this, it is a big, long document, the last time we had something like this the department and the association sat down and worked out matters before it had, we had sat down and have the whole thing explained to us and that is all I was going to ask them to do."

Chief Gain: "What I recommend is that we just defer the decision on the meet and confer dates until next week. We will get in touch with the .....offices the way we have done....."

Commissioner Siggins: "Right, but there is no reason why we have to sit down and start with paragraph number one and go through everything."

Chief Gain: "You do not have to do that."

Commissioner Siggins: "Okay, that is it, fine. There is something in the air."

Norman Lou: "Mr. President, my name is Norman Lou and I addressed a letter to the Commissioners concerning one of my clients who has asked for the guidelines as to how he can change the name of his Taxi Cab Company, where he has changed the name of the corporation. What happened was he had incorporated under one name, he has now....he is seeking to change the name of his corporation and he would like to have, if it somehow can be done, the name of the new corporation on the name of his Taxicab Permit."

Commissioner Siggins: "You mean the one he turned in the permit....he has to turn in the medallion by August 30, I think doesn't he and then get a new permit issued, is that correct?"

Norman Lou: "Well, that is....that would be under K. I think "K" requires that all existing permits be turned in and new non-transferrable permits would be issued in place of those old ones. I think this is more of a general...not a problem, but a general situation where let's say a Taxi Cab Company has operated under A Cab Company and he wants to use B. Cab Company....this is what it amounts to."

Commissioner Siggins: "It has no....there is no purpose in voiding civil liability?"

Norman Lou: "No, oh no. What, actually what happened Commissioner is that I was consulted by another client. I drew up papers under the name of that client, that client changed his mind and Mr. Goron came in and wanted to incorporate. Problem was my law clerk had already left the office on his way to Sacramento and he incorporated under the previous client's name, and he wants to use his own name. There is no change in stock ownership, nothing whatsoever."

Commissioner Toler: "Do we have another case that we can refer this to?"

Norman Lou: "I think, Commissioner Toler, I think this is not really a new situation, what it is that I think some of the officers in the Taxi Cab Detail were reluctant to accept changes in name because of

"K". I do know that in the past I have had clients who change the name of their Taxi Cab Company without any problems, so what I think the officers are looking for is an indication from the Commissioners that "K" really has no effect on changing names where you are not changing ownerships of the Taxi Cab Permits."

Commissioner Siggins: "Let's get Pat Byrne to tell us about that next week."

Chief Gain: "Did a letter go to the Permit Bureau?"

Norman Lou: "Well, Mr. Goron had gone to the Permit Bureau and they were reluctant to process any of the papers to change."

Commissioner Siggins: "We had this letter before last week."

Chief Gain: "Is that right?"

Norman Lou: "I believe that Sergeant Frazier suggested that I bring the matter up before the Commissioners and I did address a letter to the Commissioners."

Commissioner Siggins: "Yes, we never did answer it, I think."

Norman Lou: "You did answer it, President, asking me to come down this evening."

Commissioner Siggins: "Tonight, yes, that....oh, okay. Somewhere...okay. I received a telephone call from Steven Diaz today to tell me that Proposition "K" is in effect, that the request for temporary injunctions were turned down by Judge.... I guess it was Judge Brown, and all of these permits and medallions, whatever it is, are supposed to be turned in by August 30th and that includes Sightseeing Busses, Limousines, and everything else."

Norman Lou: "This is not a transfer."

Commissioner Siggins: "I know."

Norman Lou: "It is a name change.....should I, is it permissible with the Commissioners if I advise my client to contact Police Officers in

charge of the Taxi Cab Detail and go through the regular process of changing a name?"

Chief Gain: "We will contact them."

Commissioner Siggins: "Okay."

Norman Lou: "Alright, thank you very much."

Commissioner Siggins: "Anything on the correspondence here? We want to go through all of the correspondence."

Chief Gain: "Yes, Mr. President, we are taking action on those letters."

Commissioner Siggins; "Well, what about the.... see some of the letters are to other people. Really there is not much for us to answer. We have answered Mrs. Hagadorth's letter before."

Chief Gain: "There is a matter in Item #7, whether the Commission wants to have a work student again, as we have had previously."

Commissioner Siggins: "I do not.....how about referring that to Commissioner Ciani?"

Commissioner Sanchez: "Move to adjourn."

Commissioner Siggins: "Motion by Commissioner Sanchez and seconded by Commissioner Toler. All in favor?"

Commissioner Siggins: "Aye."

Commissioner Toler: "Aye."

Commissioner Sanchez: "Aye."

The Commission adjourned its meeting at 1820 hours.

Sgt Gerald R. McNaughton
ACTING SECRETARY

23 AUGUST 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 23, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Siggins

ABSENT: Commissioner Toler

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2237 MASON STREET - THE NEW SAN REMO RESTAURANT

a) At 2237 Mason Street, install a 38' white zone, to extend from 22' to 60' north of south property line.

b) Extend present white zone (38').

132 SHIPLEY STREET - 132 SHIPLEY STREET S.F.P.D.

a) At 132 Shipley Street, revoke existing 45' yellow zone, extending from 45' east of west property line.

1021 SANCHEZ STREET - UNITED PRESBYTERIAN CHURCH, USA

a) At 1021 Sanchez Street, install a 22' white zone, to extend from 22' to 44' south of north property line.

2190 BUSH STREET - 2190 BUSH STREET FLOWER MARKET INC. - DENIED

a) At 2190 Bush Street, install a 22'

green zone, to extend 22' east of west property line.

610 FILLMORE STREET - CASA LOMA HOTEL

a) At 610 Fillmore Street, install a 44' white zone, to extend 22' south of north property line.

b) Revoke present 35' yellow zone.

2300 LAGUNA STREET - APARTMENT BUILDING - DENIED

a) At 2300 Laguna Street, install a 42' red zone, to extend from south property line 42' north of same.

3610-19th STREET - CLEANERS & TAILOR

a) At 3610-19th Street, revoke existing 20' green zone, extending from west building line 20' east of same.

1601 HYDE STREET - S.F.P.D.

a) At 1601 Hyde Street, revoke existing 24' yellow zone, extending from 6' to 30' north of Pacific.

1600 HYDE STREET - S.F.P.D.

a) At 1600 Hyde Street, revoke existing 25' green zone, extending from 31' to 56' north of Pacific.

1600 HYDE STREET - S.F.P.D.

a) At 1600 Hyde Street, revoke existing 25' yellow zone, extending from 6' to 31' north of Pacific.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 174 feet of yellow and green zones, at the parts of the Ciyt, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 356-78

MARIO U. HERRERA

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Mario U. Herrera in the sum of $150.00 in Small claims Court Action No. 343-627 entitled "Mario U. Herrera v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 19, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 357-78

MARY RICHARDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Richardson against the City and County of San Francisco in the sum of $900.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 29, 1976

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 358-78

IKE ISSAC AND HIS ATTORNEY
BRIAN C. MASSOLO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Ike Issac and his attorney Brian C. Massolo in the sum of $1,000.00 in Superior Court Action No. 693-637 entitled, "Ike Issac and his attorney Brian C. Massolo v. City and County of San Francisco, et al.," as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 359-78

DANIELLE M. DELMON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Danielle M. Delmon against the City and County of San Francisco in the sum of $26.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 8, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 360-78

DEBRA L. ROSSIGNOL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra

L. Rossignol against the City and County of San Francisco in the sum of $79.19 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 11, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 361-78

DANIEL CHEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Chew against the City and County of San Francisco in the sum of $139.14 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 26, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the reitrement of the following-named members of the Police Department:

a) Police Officer Peter S. Fiori, Traffic Bureau, for service, effective July 11, 1978.

b) Police Officer Anthony Piazza, Traffic Bureau, for service, effective July 5, 1978.

c) Police Officer Morris A. Rothman, Internal Affairs Bureau, for service, effective July 1, 1978.

The communications were ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 362-78

AUTHORIZING ATTENDANCE OF CAPTAIN EDWARD LAHERTY, SUPPORT SERVICES-RECORDS DIVISION, AND LIEUTENANT THOMAS O'DONNEL, PLANNING AND RESEARCH, AT THE INFORMATION SYSTEMS FOR LAW ENFORCEMENT COURSE, SPONSORED BY IBM CORPORATION AT SAN JOSE, CALIFORNIA, FROM SEPTEMBER 5, 1978 TO SEPTEMBER 8, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Captain Edward Laherty, Support Services-Records Division, and Lieutenant Thomas O'Donnel, Planning and Research, be detailed to attend the Information Systems for Law Enforcement Course, sponsored by IBM Corporation, at San Jose, California, from September 5, 1978 to September 8, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Captain Laherty, Support Services-Records Division and Lieutenant O'Donnel, Planning and Research, will be paid by the IBM Corporation.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 363-78

AUTHORIZING ATTENDANCE OF SERGEANT MICHAEL S. HEBEL, PERSONNEL AND TRAINING, AT THE TRAINING MANAGEMENT COURSE, SPONSORED BY GOLDEN GATE UNIVERSITY AND POST, AT SOUTH SAN FRANCISCO, CALIFORNIA, FROM SEPTEMBER 10, 1978 TO SEPTEMBER 22, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Michael S. Hebel, Personnel and Training, be detailed to attend the Training Management Course, sponsored by Golden Gate University and POST, at South San Francisco, California, from September 10, 1978 to September 22, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Michael S. Hebel, Personnel and Training, in a sum not to exceed $738.40 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 364-78

AUTHORIZING ATTENDANCE OF LIEUTENANT FRANK M. JORDAN, CRIME PREVENTION EDUCATION UNIT, AT THE CRIME PREVENTION OFFICERS' ANNUAL TRAINING CONFERENCE BY CALIFORNIA CRIME PREVENTION OFFICERS' ASSOCIATION, AT MONTEREY, CALIFORNIA, FROM SEPTEMBER 7, 1978 TO SEPTEMBER 8, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Frank M. Jordan, Crime Prevention Education Unit, be detailed to attend the Crime Prevention Officers' Annual Training Conference, sponsored by California Crime Preveniton Officers' Association, at Monterey, California, from September 7, 1978 to September 8, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Jordan, Crime Prevention Unit, in a sum not to exceed $120.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 365-78

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING, AT WORKSHOPS ON CRISIS NEGOTIATION AND THE MENTALLY DISORDERED INDIVIDUAL SPONSORED BY MENTAL HEALTH ASSOCIATION IN CALIFORNIA, AT ANAHEIM, CALIFORNIA AND SACRAMENTO, CALIFORNIA, FROM AUGUST 28, 1978 TO AUGUST 30, 1978 AND SEPTEMBER 18, 1978 TO SEPTEMBER 20, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard D. Klapp, Personnel and Training, be detailed to attend Workshops on Crisis Negotiation and the Mentally Disordered Individual, sponsored by Mental Health Association in California, at Anaheim, California, and Sacramento, California, from August 28, 1978 to August 30, 1978 and September 18, 1978 to September 20, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Richard D. Klapp, Personnel and Training, will be paid by the sponsoring organization.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

WEEKLY SICK REPORT

No weekly sick report was presented to the Police Commission at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report Mr. President."

Commissioner Siggins: "Okay Chief. Next item."

RECEIPT OF PROPOSED DEPARTMENTAL GENERAL ORDER ESTABLISHING EMERGENCY (CODE3) DRIVING REGULATION AND PROCEDURES. (COOIES SENT TO EMPLOYEE ORGANIZATIONS.) CONTINUED FROM THE MEETING OF AUGUST 9, 1978 - CONTINUED FOR TWO (2) WEEKS.

Chief Gain requested that this matter be continued for two weeks when he will meet with the Police Officers' Association."

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 366-78

HEARING OF PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT.

WHEREAS, the hearing of Patrol Special Officer Albert Robles, Central Police District,

was called; and

WHEREAS, it was requested by Patrol Special Officer Albert Robles, that the hearing before the Police Commission be continued for three (3) weeks at which time it would be calendared for the setting of a date for said hearing; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Albert Robles, is set for Wednesday, September 13, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 367-78

HEARING OF SERGEANT BURTON J. BISHOP, PROPERTY CLERK SECTION

WHEREAS, the hearing of Sergeant Burton J. Bishop, Property Clerk Section, was called; and

WHEREAS, it was stated by Mr. Stephen Bruce Bley, attorney for Sergeant Burton J. Bishop, that he is waiving the 30 day hearing requirement before the Police Commission and the matter be continued for three (3) weeks; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Sergeant Burton J. Bishop, is set for Wednesday, September 13, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 368-78

HEARING OF POLICE OFFICER ROBERT G. MULRY, SUPPORT SERVICES- COMMUNICATIONS

WHEREAS, the hearing of Police Officer Robert G. Mulry, Support Services-Communications, was called; and

WHEREAS, it was requested by Police Officer Robert C. Mulry, that the hearing before the Police Commission be continued to October 4, 1978; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Robert G. Mulry, is set for Wednesday, October 4, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 369-78

HEARING OF MICHAEL ALLEN WINN, CETA, #1404 CLERK, PERSONNEL BUREAU

WHEREAS, the hearing of Michael Allen Winn, CETA, #1404, Clerk, Personnel Bureau, was called; and

WHEREAS,it was requested by Michael Allen Winn that the hearing before the Police Commission be continued to September 6, 1978; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Michael Allen Winn, CETA, #1404, Clerk, is set for Wednesday, September 6, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 370-78

HEARING OF POLICE OFFICER JOHN CHESTNUT, CRIME SPECIFIC TASK FORCE

WHEREAS, the hearing of Police Officer John Chestnut, Crime Specific Task Force, was called; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer John Chestnut, that the hearing before the Police Commission to be continued to November 1, 1978; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer John Chestnut, is set for Wednesday, November 1, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 371-78

HEARING OF POLICE OFFICER BRIAN D'ARCY, CRIME SPECIFIC TASK FORCE

WHEREAS, the hearing of Police Officer Brian D'Arcy, Crime Specific Task Force, was called; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Police Officer Brian D'Arcy, that the hearing before the Police Commission be continued to November 1, 1978; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Brian D'Arcy, is set for Wednesday, November 1, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 372-78

HEARING OF POLICE OFFICER THOMAS DEL TORRE, CENTRAL POLICE STATION

WHEREAS, the hearing of Police Officer Thomas Del Torre, Central Police Station, was called; and

WHEREAS, it was requested by Police Officer Thomas Del Torre, that the hearing before the Police Commission be continued to November 8, 1978; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Thomas Del Torre, is set for Wednesday, November 8, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 373-78

HEARING OF POLICE OFFICER EDWARD RODRIGUEZ, CENTRAL POLICE STATION

WHEREAS, the hearing of Police Officer Edward Rodriguez, Central Police Station, was called; and

WHEREAS, it was requested by Police Officer Edward Rodriguez, that the hearing before the Police Commission be continued to November 8, 1978; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Edward Rodriguez, is set for Wednesday, November 8, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

REQUEST BY COMMISSIONER MURPHY

Commissioner Murphy: "I am wondering Sergeant, if it would be possible to summarize the minutes, at least partially? In reading over the corrected minutes they were excruciatingly detailed and long. How do the rest of the Commissioners feel about this?"

Sergeant McNaughton: "In my short tenure here I have tried to check back and found that prior Commissions have done this."

Chief Gain: "It is the present Commission that has started this present system and we had discussion on this in 1976."

Commissioner Ciani: "I do not mind having them summarized if the summary is accurate. It should reflect who took what position on various issues."

Chief Gain: "We could always save the tapes and if you want to go back."

There was general agreement among the Commissioners to summarize the minutes and try this method for at least awhile."

CORRESPONDENCE DISCUSSED BY THE POLICE COMMISSION

Letter from Mr. Thad Brown with an answer already sent by the Tax Collectors Office.

Letter from Mr. Jonathan V. Tufts regarding taxi cab robberies. (Chief Gain to have staff check into this matter.)

Letter from Mr. Mark Friedland regarding decoy program. The department will have an evaluation report on the basis of a year.

Meet and Confer session with the S.F.P.O.A. (Matter will be taken care of.)

The Commission adjourned its meeting at 1820 hours.

Sgt Gerald McNaughton
ACTING SECRETARY

30 AUGUST 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 30, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

510-7th STREET - S.F.P.O.A.

a) At 510-7th Street, install a 27' green zone, to extend from 6' to 33' north of property line.

b) Revoke present yellow zone.

550 CLAY STREET - BANK EXCHANGE RESTAURANT

a) At 550 Clay Street, install a 44' white zone, extending from 3' to 47' west of west end of driveway.

b) Remove Meters 530 and 532.

c) Post signs, white zone effective after 6 P.M.

17-9th STREET - STATE COMPENSATION FUND INS.

a) At 17-9th Street, install a 44' Special Truck Loading zone.

b) 7 A.M., to 1 P.M., signs to be installed on meters 9S #19 and 9S #17, yellow painted.

1355 SUTTER STREET - SOCIAL SECURITY

a) At 1355 Sutter Street, install a 22' blue zone, extending from 31' to 53' west of east building line.

b) Remove meter SUT 1323.

1240 FILLMORE STREET - ROYAL ADAH ARMS APARTMENTS

a) At 1240 Fillmore Street, install a 22' white zone, to extend from 42' to 64' south of north building line.

3024 - 24th STREET - SEVENTH DAY ADVENTIST CHURCH

a) At 3024-24th Street, install a 22' white zone, extending from west property line 22' east of same.

b) Permission to hood meter S24 #3014 on Saturday services.

1250 SILVER AVENUE - DORIEOS MARKET

a) At 1250 Silver Avenue, install a 22' green zone, to extend from 6' to 28' east of west property line.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 27 feet of yellow zone at the part of the City, at the location submitted, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RETIREMENT

A communication was received from the Retirement Board officially notifying the Police Commission of the retirement of Sergeant Robert Schoenstein, Park Police Station, for service, effective May 1, 1978.

The Communication was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 374-78

MADELYN LEIB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Madelyn Leib against the City and County of San Francisco in the sum of $20.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 375-78

HANI MASSARWEH

RESOLVED, that the recommendation of the Ciyt Attorney for settlement of the claim of Hani Massarweh against the City and County of San Francisco in the sum of $15.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 376-78

CHARLENE NASH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charlene Nash against the City and County of San Francisco in the sum of $178.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 30, 1978

RESOLUTION NO. 377-78

VALERIE PRIEST

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Valerie Priest against the City and County of San Francisco in the sum of $75.69 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 24, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 378-78

FORREST THOMPSON

RESOLVED,that the recommendation of the City Attorney for settlement of the claim of Forrest Thompson against the City and County of San Francisco in the sum of $45.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 379-78

JOHN A. TUTTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John A. Tuttle against the City and County of San Francisco in the sum of $24.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 11, 1978

AYES: Commissioners Ciani, Murphy, Sanchez Toler, Siggins

RESOLUTION NO. 380-78

CHICAGO INSURANCE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Chicago Insurance Company against the City and County of San Francisco in the sum of $1,802.40 as the re-

sult of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 30, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 381-78

HELEN YIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helen Yim against the City and County of San Francisco in the sum of $22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 382-78

KELLEE FONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kellee Fong against the City and County of San Francisco in the sum of $20.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 383-78

C. KENNETH RACKHAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of C. Kenneth Rackham against the City and County of San Francisco in the sum of $58.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 25, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 384-78

PATRICIA LATHAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Latham against the City and County of San Francisco in the sum of $23.80 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 6, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 385-78

STAN A. LONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stan A. Long against the City and County of San Francisco in the sum of $494.87 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: May 4, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 386-78

AUTHORIZING ATTENDANCE OF LIEUTENANT FORD E. LONG OF THE IDENTIFICATION SECTION, AT THE NCIC (NATIONAL CRIME INFORMATION CENTER) WESTERN REGIONAL MEETING TO BE HELD IN GOLDEN, COLORADO, FROM SEPTEMBER 11, 1978 TO SEPTEMBER 13, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Ford E. Long, of the Identification Section, be detailed to attend the NCIC (National Crime Information Center) Western Regional Meeting to be held in Golden Colorado, from September 11, 1978 to September 13, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by

Lieutenant Long, Identification Section, will be paid by NCIC, with the exception of salary.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 387-78

AUTHORIZING ATTENDANCE OF LIEUTENANT RAYMOND J. CANEPA, BUREAU OF INVESTIGATIONS, AT A SPECIAL MEETING SPONSORED BY THE UNITED STATES DEPARTMENT OF JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, IN MEMPHIS, TENNESSEE, ON SEPTEMBER 11, 1978 AND SEPTEMBER 12, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Raymond J. Canepa, Bureau of Investigations, be detailed to attend a special meeting sponsored by the United States Department of Justice, Law Enforcement Assistance Administration, to be held in Memphis, Tennessee, on September 11, 1978 and September 12, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Canepa, Bureau of Investigations, will be paid by the United States Department of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 388-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $22,828.00 as follows:

Appropriation No. 8.161.110.001	
Permanent Salaries-Civilian	$18,833
Appropriation No. 8.161.110.001	
Mandatory Fringe Benefits	
Transfer to: 8.123.862.000	$ 1,227
8.697.860.000	$ 2,768
	$22,828

and credit it to the following appropriations in the amounts indicated:

Appropriation No. 8.161.110.001		
Permanent Salaries-Civilian		$13,554.
Appropriation No. 8.161.110.001		
Permanent Salaries-Civilian (Reserve)		$ 5,279
Appropriation No. 8.161.863.000		
Mandatory Fringe Benefits		
Transfer to:	8.123.862.000	$ 884
	8.697.860.000	$ 1,992
Transfer to:	8.161.862.000	$ 343
	8.161.860.000	$ 776
		$22,828

to reclassify a vacant Attorney position.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

No weekly sick report was presented to the Commissioners at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Mullen: "No report, Mr. President."

Commissioner Siggins: "Any questions?"

Commissioner Ciani: "When does the new dog ordinance go into effect, do you know?"

Deputy Chief Mullen: "I think, customarily, it is 60 days after enactment, I am not absolutely certain on that, perhaps Legal could give me a better answer, in fact, when they come in I will get it and get it back to you before this meeting, there is a set time after it is enacted before....."

Commissioner Ciani: "Are citations which the department will issue under that in the same form?"

Deputy Chief Mullen: "Oh, yes."

Commissioner Ciani: "So there is a space on the regular citation form."

Deputy Chief Mullen: "For any infraction or any....there is a blank space in which you fill in the violation."

Commissioner Ciani: "Okay, thank you."

Commissioner Murphy: "I saw in the paper on 8/25 that new taxicab permits are being issued, can you tell anything about how many are now being issued, or what the flow of work is and so on?"

Deputy Chief Mullen: "The flow of work is anticipated to be very high in that of the 900 vehicles for hire permits out toward the end of last week only about 50 people have come in, so we publicized that fact, and as you no doubt know the opponents of Prop. "K" went to Superior Court to get an injunction against it, they were turned down at the Superior Court and went to the Appellate or the Supreme Court, they were turned down again, my last information is that it went to Federal Court and there is a temporary "stay", I was informed of that this afternoon and the Federal Court against us enforcing the provision of Prop. "K" at this time, so the time which was supposed to run out today and we anticipated a big surge at the end, has not been extended."

Commissioner Siggins: "Any other questions of Chief Mullen? Next item."

RECEIPT OF PROPOSED DEPARTMENTAL GENERAL ORDER ESTABLISHING THE PROCEDURES RELATING TO ASSAULTS ON POLICE OFFICERS - CONTINUED FOR THREE (3) WEEKS.

Commissioner Siggins: "Has that been distributed, or is this just the first receipt, this is the first receipt?"

Deputy Chief Mullen: "Yes, Mr. President, it has gone to the employee organizations."

Sergeant McNaughton: "Not as yet."

Deputy Chief Mullen: "Okay, it will go to the employee organizations."

Commissioner Siggins: "Okay, well, let's just put it on the calendar again and carry it for three weeks from now. We will keep track of it."

STATUS REPORT RELATIVE TO THE COMMUNITY BOARD PROGRAM - CONTINUED ONE WEEK

Commissioner Siggins: "It would seem to me, just go back to item 4, that this was delivered to us on Friday, I think, so it should be some distribution to the employee organizations by now."

Deputy Chief Mullen: "That is supposed to be automatic, Mr. President."

Commissioner Siggins: "Okay, the next item, Community Board Program status. Is Mr.Schonholtz going to be here today, tonight?"

Sergeant McNaughton: "Not that I know of."

Commissioner Siggins: "We have received a status report and would if there is any comment, I thought that we might have Raymond Schonholtz here."

Commissioner Murphy: "It looks as if it's being very active and successful, but....I don't know what is requested of us at this point, except for information."

Commissioner Siggins: "Well, is there anybody who wants to carry it again for another week or just...."

Commissioner Sanchez: "Perhaps we could carry it for one week and invite Mr. Schonholtz to attend."

Commissioner Siggins: "Carry it for one week."

Commissioner Murphy: "If he wishes to come."

Commissioner Siggins: "There are some questions I might have. Next item."

AMENDING CHAPTER 1, OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 1.26 THERETO, RELATING TO A HOLD HARMLESS AGREEMENT BETWEEN THE INTERNATIONAL ASSOCIATION OF BOMB TECHNICIANS AND INVESTIGATORS AND THE POLICE DEPARTMENT FOR THE PURPOSE OF OBTAINING A REMOTE CONTROLLED BOMB DISPOSAL DEVICE FOR THE POLICE DEPARTMENT'S EXPLOSIVE ORDNANCE DISPOSAL UNIT.

WHEREAS, the Police Department is in need of a device to provide for the safety and welfare of members of the Explosive Ordnance Disposal Unit while handling and investigating suspected and identified explosive devices; and

WHEREAS, the International Association of Bomb Technicians and Investigators have offered the indefinite loan of a remote controlled bomb disposal device without cost in exchange for a Hold Harmless Agreement; therefore be it

RESOLVED, that the following proposed ordinance which provides for a Hold Harmless Agreement between the San Francisco Police Department and the International Association of Bomb Technicians and Investigators for the use of a remote controlled bomb disposal device is

hereby transmitted to the Board of Supervisors for adoption.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

AMENDING CHAPTER 1 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 1.26 THERETO, RELATING TO A HOLD HARMLESS AGREEMENT BETWEEN THE INTERNATIONAL ASSOCIATION OF BOMB TECHNICIANS AND INVESTIGATORS AND THE POLICE DEPARTMENT FOR THE PURPOSE OF OBTAINING A REMOTE CONTROLLED BOMB DISPOSAL DEVICE FOR THE POLICE DEPARTMENT'S EXPLOSIVE ORDNANCE DISPOSAL UNIT.

"Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 1 of the San Francisco Administrative Code is hereby amended by adding Section 1.26 thereto, reading as follows:

SEC. 1.26 Hold Harmless with International Association of Bomb Technicians and Investigators. The Police Commission is hereby authorized to enter into a Hold Harmless Agreement with the International Association of Bomb Technicians and Investigators for the purpose of obtaining a remote controlled bomb disposal device on an indefinite loan.

APPROVED AS TO FORM

GEORGE P. AGNOST
CITY ATTORNEY

By _____
Deputy City Attorney

RECOMMENDED BY
THE POLICE COMMISSION

By: s/Gerald R. McNaughton
Acting Secretary

THE AUTHORITY TO THE POLICE COMMISSION TO SET APPROPRIATE FEES FOR PROCESSING INVESTIGATING AND ADVERTISING OF ALL VEHICLE FOR HIRE PERMIT APPLICATIONS.

Commissioner Siggins: "It is recommended by the department that the application fee for the permit would be $25.00 and this justification given for that figure plus the figure of $43.00 for advertising, $3.20 justification given for that figure the Prop. "K" ordains that we should set these prices of the permits."

Commissioner Murphy: "Would this require a public hearing? It looks reasonable to me, but I am no authority on this, and I suspect the rest are not either."

Commissioner Siggins: "I doubt it."

Deputy Chief Mullen: "I might submit that we could schedule a special public hearing, but the Commission meeting is a public hearing, and it has been noted on your calendar, should we go further?"

Commissioner Murphy: "Would the affected people know that though, particularly, I guess that could...."

Deputy Chief Mullen: "It is my experience that people in the vehicle for hire industry read the Commission calendar very closely."

Commissioner Siggins: "They know the legislature that we have to set some fee anyway....$25.00.."

Commissioner Murphy: "The fee seems to be rock bottom as far as compensating the department for its time, about $75.00 actually would be better. I just wanted to be sure that we touch all bases."

Commissioner Siggins: "The average advertisement consumes 10 lines in that is just passing normal...the newspaper gets that."

Deputy Chief Mullen: "We are not trying to make any money on this, we are just trying to estimate as closely as we can, what it cost us and the city, and just charge it that way."

Commissioner Ciani: "Can we act on this?"

Commissioner Siggins: "Yes."

Commissioner Ciani: "I move that we approve the fee of $25.00 as recommended by the Department."

Commissioner Siggins: "Here is the resolution and according to the terms of Prop. "K" the initial ordinance adopted by the voters of San Francisco on June 6, 1978 and the Police Commission hereby sets the fee for filing application for vehicle for hire permits at $25.00 and the fee for advertising at $1.44 per line times three days or as determined by the current contractual agreement between the City and County of San Francisco and its official advertisement, do you have a motion Commissioner Ciani?"

Commissioner Ciani: "Yes sir."

Commissioner Sanchez: "I second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 390-78

RECOMMENDED FEE FOR VEHICLE FOR HIRE PERMIT APPLICATIONS

RESOLVED, that according to the terms of Proposition K, an initiative ordinance adopted by the voters of San Francisco on June 6, 1978, the Police Commission hereby sets the fee for filing application for Vehicle for Hire Permits at $25.00 and the fee for advertising at $1.44 per line x 3 days or as determined by the current contractual agreement between the City and County of San Francisco and its official advertiser.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING OF CAPTAIN J. WILLIAM CONROY, SUPPORT SERVICES-COMMUNICATIONS

Mr. Stephen Bruce Bley: "Stephen Bruce Bley appearing for Captain Conroy."

Mr. Wilson: "Lawrence Wilson appearing for the department."

Commissioner Siggins: "Okay, I guess the record should show that we have had hearings on June 21, continued to June 12, pardon me, July 12, and then continued to August 9th, that matter stands submitted except for the deliberation by this body, the record should further show that Commissioner Sanchez did not participate in the hearing because of his inability to attend all three of the hearings with the other four Commissioners were in attendance and that at the request of counsel for Captain Conroy this deliberation of finding of facts and our deliberations to be public, do you still maintain that?"

Stephen Bley: "Yes."

Commissioner Siggins: "Okay. Is there anybody who wants to....."

Commissioner Toler: "Yes, before we start deliberating, I would like to have some clarification as far as the specification. I think in our last meeting our, I heard Captain Conroy the author of the specifications interpretation give his as he may have seen or how they should more or less be enforced, perhaps the department could tell me what is their interpretation of the specification."

Commissioner Siggins: "Let me handle this. We are at the deliberation state, Mr. Bley, I think it is up to us now to make that determination. Commissioner Toler, the department his case is finished at this time unless we want to reopen it."

Mr. Wilson: "No, it does not wish to reopen."

Commissioner Siggins: "For any particular reason, I will say this to Captain Conroy did give an explanation of Section 2.245 and it was in contrast to his counsel's opening statement. That section was in effect in the time that the Captain Conroy came into the department, but the interpretation Captain Conroy gave was the same one I felt applied at the time that I first read this section that there has to be identifiable member of the department who would be guilty of some matter before that particular section came into play if that....now the other section is something that I don't think Captain Conroy commented on at the time of testimony. Are there any....do you want to make any comments?"

Commissioner Murphy: "Well yes, I will, I don't want to go before anyone else. I have written out my statement because I think the seriousness of the decision we have before us makes me wish to read it rather than discuss it orally. There are many points, so with that in mind, I will be glad to read this:

'STATEMENT RE: CAPTAIN J. WILLIAM CONROY'S HEARING.

Because of the seriousness of the decision we are about to make, I wish to read what is my opinion of this case rather than discuss it orally.

It has been very difficult for me to come to an objective and fair decision, but I believe I have done so in spite of the various opinions regarding the case particularly those of Warren Hinckle and Kevin Starr. I know now what my husband who was an attorney was referring to when he said he would not try a case in the press.

First, I believe the direction given to the non-civil service Sergeants upon their promotion to the effect that they could go over the head of their commanding officer to complain of their treatment was a grave administrative error. I understand they were told that they should only do this if the conflict was with

the Captain himself, but apparently the Sergeant did not understand it that way. In any event, this kind of a directive in a para-military organization, seems to me to be self-defeating.

Secondly, although I know this is not the issue at hand, I believe any racist attitudes or action on the part of Captain Conroy has been ruled out by all evidence given and implied.

Thirdly, I believe the real culprit are those cowardly persons who played the dirty tricks and are allowing their commanding officer to take all the blame. I further believe Captain Conroy was trying to keep the lid on a potentially explosive situation and did what he did to do so. The situation was explosive not only because the Sergeant was totally unprepared by either experience or training to be a supervising street Sergeant but also because he was not placed there on the basis of merit but because of a court order. While other officers promoted under the same circumstances managed to make it he just wasn't able to. I think the Captain recognized that he would continue to be a poor street sergeant and even without the dirty tricks, I think Captain Conroy would have made every effort to get the sergeant transferred to a more comparable assignment which he actually did.

With respect to specification number 1 - I believe Captain Conroy made a personal and immediate investigation of the misconduct as was possible under the circumstances. As I stated before, it was the cowardly conspiracy of silence that precluded any real investigation.

Now to come to the 2nd issue as stated in the complaint. That is, the fact that Captain Coneroy did not report "in writing" 3 of the dirty tricks. I believe after more than 30 years as a police officer and many years as a captain that what he did, that is to try to keep his command under control and not have an open confrontation is understandable. Also, it should be remembered that the Sergeant had already gone over the Captain's head with a complaint to the Internal Affairs Bureau.

I also believe while he did not make a formal written report of all the dirty tricks the fact that they were being pulled was surely known in headquarters. If they were not, it would be the first time such information was kept secret.

I therefore believe Captain Conroy should be admonished for not having made a "written report" of these happenings. And I further believe he should be exonerated of the 1st charge.

Jane McKaskle Murphy
POLICE COMMISSIONER'"

Commissioner Ciani: "Well, I'm not as well prepared as Commissioner Murphy,but my independent consideration of all the evidence comes out with just about the same conclusion. I actually read through all the transcripts

that as far as a violation of 2.245 is concerned, I agree that the fair meaning of the language of that section does indicate that it should be applied when the perpetrator is identified. So I don't find the evidence taken as a whole sustains the charge in Specification number one. On the other hand, as to a violation of Rule 2.199, I do not agree with Mr. Bley that this is a tailing section. It seems to me to be a completely separate rule, a separate obligation on the part of the members to whom it applies to make reports of all incidents. I read back through the testimony of then Chief Taylor and Captain Murphy and Captain Bruneman, and generally all of their testimony sustained there was no intention that anyone be relieved of his obligation to abide by that rule. I won't go into the specifics or quote any of the testimony but that's the way that I read it. Generally, I think because of the overlay of discussions, inlcuding those at the Captain's Meeting called by Chief Taylor, and the statement that was promulgated by Captain Conroy himself, the seriousness of any incident involving any of these minority, temporary Sergeants, was so often and so strenously pointed out, that it would be impossible for any reasonable person to view them as pranks, particularly where there was a repetition of incidents involving the same person, some of which incidents (that are unmentionable as far as this proceeding is concerned) occurred before and gave added weight to the seriousness of the incidents under consideration here. So taken in that light I think these incidents required Captain Conroy to make a report and again reading through the transcript, though there was some testimony on the issue whether there were telephone calls reporting these particular incidents, I think if you read closely the testimony of Captain Bruneman, none of the phone calls,or written reports made to him by Captain Conroy concerned any of the incidents in question. So I would find the charge in Specification 2 sustained."

Commissioner Siggins: "I think in the totality of the evidence here that neither of these charges are sustained by this record. I certainly, as a Commissioner, am not convinced, having heard the evidence, I would recommend that the entire matter be considered not sustained. I think that if a certain amount of seriousness when an officer of thirty-one years of experience is brought up on charges before the Commission, I think there has to be certain preponderance of evidence in the matter. I'm not happy with the members of the department that perpetrated these pranks or whatever it was....the....I believe that as Captain Conroy does that there is a certain amount of espirit de corps in a situation, a closed situation men or women, whatever it is pranks can be pulled, pranks can be overlooked and handled at a station level, but each of the members of the department that had an administrative responsibility testified in this case pointed to touchy, sensitive situation that prevailed at the time that Captain Conroy was directed to give an order, Captain Conroy gave an order to the people

of his command, he spoke to each of his watches, he told them, in effect, this was....there were officers who were becoming Temporary Sergeants, that they were taking their duties at a time that where they needed help and in his own words he told them they were beginning their tour of duty under a severe handicap and he directed them to minimize any form of difficulty, it understood that what we call downtown, or the Deputy Chief or Don Taylor was serious when he was directing...giving these orders to the various captains, he didn't call them down here on that day at the swearing in of these temporary sergeants unless he meant business, and he did mean business, and I believe that whether it was a prank or a whatever you want to call it at the time, it was perpetrated on Sergeant Alarcon became a serious incident when he went outside the department, outside of the chain of command, and had to go down to the Internal Affairs Bureau for reasons that he explained he thought that there were malicious acts perpetrated on him and there was nothing being done about it. And I believe at that time the espirit de corps that Captain Conroy talks about turned against him and when those officers out at Park Station allowed him to be brought up on charges when they themselves could have said this is not a racial matter, the press spoke of it at that time as a racial matter, this particular Commission is defending a lawsuit in Federal Court in which the Commission and the City are defendants over racial, over charges of racism, the attorney representing the plaintiffs in that case has a pattern of sensationalism incidents long after they have occurred in this department, and turning them and asking the trier of fact of the Federal Judge to draw inference of racism at all times it was as Captain Conroy testified a touchy, sensitive issue at the time and when they did not come forward and say this was just a prank, get Captain Conroy off the hook what could the Commission do when we are facing charges of racism and we are going to get a brush out and say oh this is whitewash and not hold this particular hearing, this thing could have been solved by the members of the department at Park Station by going to Internal Affairs at that time and owning up to the matter. And I asked counsel or the defendant three times in the course of these hearings if he could bring forward the people that had perpetrated these acts and then say why they did them, and I think this would have been solved in a much milder manner, that a Captain of 31 years experience would not have to be brought up on these charges, I submit to fellow Commissioners that the evidence here does not sustain the charges against Captain J. William Conroy."

Commissioner Toler: "I do not want to sound redundant in the sense I do concur with my fellow Commissioners as far as the charges there were....that Captain Conroy has been accused of, however, I do have concerns regarding some of the things that may have taken place and the immediate reports were not made, I have heard realizing though as Commissioner Siggins regarding Captain Conroy his 31 years of service I think, one, he is a family man, he is, I would like to think, he is a very sensitive man, but this kind of thing here must stop, and I think in the terms of what kind, we, as Commissioners,

to make certain that the specification is spelled out to each of the captains so that this kind of thing here would not happen the way it did before I am not quoting Captain Conroy for not reporting this because from all of the evidence of the witness that testified they indicated that pranks do happen, they do happen in the stations these things have been going on for years, but I believe they do, but with the frequency of these things what can we do to make sure that these things are brought to the attention of the administration so we can put a stop to these things immediately and taking under consideration to the timing of this here, and well as the Sergeant being new to the department and as the fellow Commissioner said just unprepared for the assignment at the time.....the charges made against the Captain here, well I do concur with Commissioner Murphy regarding the admonishing of the Captain for things that may have taken place within his station, but these charges, specifications one and two....."

Commissioner Siggins: "I think further that in.... I was going to make a comment that there was a stipulation here and I think it is sustained from personal experience, there is not a racial bone in Captain Conroy's body that the charges...the transcript here should be brought over to the Federal Court to be used in that litigation that show that this Commission did make a finding that there is not racial....racism in this particular hearing, and furthermore, that there were two sergeants that were appointed at the same time to the Captain's command, that one also from a minority, had absolutely no problems at that station at all and that the issue here, itself, was not one of racism, as I understand it now the.....I vote not to sustain neither specification be sustain, Commissioner Toler, also votes that neither matter be sustained but he adds that there should be some type of admonishment that goes outside of this charges to Captain Conroy....."

Commissioner Toler: "That is correct as Commissioner Murphy....."

Commissioner Murphy: "No, I did not ask for an admonishment outside the charges, I asked for admonishment on the fact that Captain Conroy did not report this in writing, I don't know that an admonishment amounts to much but I do think that was a fact that was sustained, however, I am perfectly willing to vote for not sustaining either of the charges."

Commissioner Siggins: "I think I can speak to that, I think the record shows that Captain Conroy reported six or seven times, the various incidents to superiors and....."

Commissioner Ciani: "The record does not really show that."

Commissioner Siggins: "Captain Conroy testified to that."

Commissioner Ciani: "I know, but Captain Bruneman to whom he was supposed to have reported, testified that he received no telephone calls and writings with regards to the incidents in question."

Commissioner Murphy: "Well, it was known and that is the spirit of the thing whether it was written or not, it is a technicality that I certainly am not going to stand on."

Commissioner Siggins: "I know that he was down there on September 12 and made a report to the Department. I do not think that's when I made my remarks. I am including the quote skunk in the trunk matter because that is part of the record here, is not part of the charges, but it is part of the record, the fact that was reported on September 12, by Captain Conroy, and that a written report was made on that date."

Commissioner Ciani: "That preceeds any of the events in question tonight?"

Commissioner Siggins: "Yes, but the Captain did say that he had been in contact with the other people and reported six or seven times."

Commissioner Toler: "Five or six times."

Commissioner Siggins: "Five or six times."

Commissioner Ciani: "Well, I know that...I do recall that testimony, but it is controverted by testimony of Captain Bruneman."

Commissioner Siggins: "Well, I am convinced that he did, he made the reports when he said he did, so....."

Commissioner Murphy: "I would like to move that we find the charges not sustained in this case."

Commissioner Ciani: "I would like to sever that, vote separately on the two charges."

Commissioner Siggins: "Alright, let's take specification number one, Commissioner Ciani how do you vote?"

Commissioner Ciani: "Why don't we all vote?"

Commissioner Murphy: "I will move the same that Specification number 1 not be sustained."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Toler, Murphy, Siggins

Commissioner Siggins: "All opposed?"

(There was no response)

Commissioner Sanchez was not voting.

Commissioner Siggins: "Now, about specification number 2 regarding Rule point section 2.199."

Commissioner Toler: "I move that specification number 2 be not sustained."

Commissioner Siggins: "Be not sustained, second?"

Commissioner Murphy: "Second."

Commissioner Siggins: "Second by Commissioner Murphy, all in favor?"

AYES: Commissioners Siggins, Murphy, Toler

Commissioner Sanchez not voting.

Commissioner Siggins: "Opposed?"

Commissioner Ciani: "Nay."

Commissioner Siggins: "That is 3 to 1 so, I think that the record, the charges of the department have not been sustained against Captain J.William Conroy. I think that the matter could be closed at this moment, but if there is any further comments by any of the Commissioners?"

Commissioner Sanchez: "If perhaps, I may add a footnote, I was not here unfortunately, for that first hearing which I think was the critical one, and I did read the transcripts of both, and today I would have certainly would had voted with the majority with both, I feel, in essence, that was no substantial evidence, in matter of fact, there is a series of con-

tradictions in whatever that you know made you really wonder if we were running a M.A.S.H., outfit or police department at times. Secondly, I would just like to say again, that Captain Conroy in perhaps the 31 years of service as San Francisco Police Officer has always been the highest in reference to dealing with all officers, regardless of ethnicize background, social economics, or whatever, and I think this is known, especially along the minority men and women of the San Francisco Police Department, and I think, basically, that this whole thing has been a series of perhaps frustrating and anxiety on behalf of many of the members, also the Commission, and I do apologize for not being able to attend all of the meetings otherwise I would definitely ask any number of questions, but I would definitely concur with the findings of the Police Commission on this case."

Commissioner Siggins: "Okay, maybe we can close with that, but Captain.....maybe Captain Conroy could tell his partisans as a lawyer that there is nothing meant by....a question has meaning unless there is an answer attached to it, we had occasion to ask you, yourself if you thought the acts were malicious, and so forth, the other day, and you can hear from the people in the crowd that the questioner meant something by the question, there was no evidence .....you answered that there was no malice and that is the evidence in the case, but they seem to think that once a question was asked that....whoever was asking the question was taking sides in this particular hearing."

Commissioner Toler: "Mr. President, I would like to just say this, I think that to specification is not clear to everyone is how they should interrupt and Captain I think maybe would...colleagues that..... clearly explain so that they will have the...you have because there seems to be mix emotions or different opinions on how this thing should be dealt with, and these charges be set here, the evidence present will not in any way say he did not do what he was suppose to do or broke the law, may have broken the law regarding what we have in the complaints, but, I think this thing should be done so everyone is clearly aware of what should be, and what is, and I hope that you can maybe get to your colleagues so that they will know, as well as the department as a whole, because there is some misunderstanding as to what is meant by these specifications."

Stephen Bley: "Commissioner Toler, your point is very well taken, and I would like to point out that for many years I believe that there has been a valiant attempt all though fruitless, by the...both the Police Commission and the Police Department to recodify, and redraw, and really modernize the Rules and Procedures, and I think, as I pointed out during the hearing itself, because of changes in administration, and also I think in the rather substantial change in Law Enforcement, and the psychology of Law Enforcement in the last 15 years, many sections, many parts of the Rules and Procedures have either become inoperate or almost mean-

ingless in light of present day circumstances, and unfortunately as is the California State Constitution, rather then amending and taking out, there have been addition, and I think as I pointed out, and I know I have had many discussions with the Chief's Office and the Legal Department, that right now there are in existence I think one maybe, and maybe two what may be called full sets of Rules and Procedures. I think that the Commission Office may be the only one that has, I believe Legal has one which is almost, if not totally, up to date, and I think that is only through the valiant effects of the members of the staff."

Commissioner Siggins: "I, you are not positive about this, but you are making a lot of refernce about it, but, everybody get's a manual, don't they?"

Stephen Bley: "I hear that Captain say that we only have six copies, if I am not mistaken, up to date copies I mean there is so many changes, I think that's one of things that we had brought here is people saying when was this was into effect and when that was not, I think there was a move about two years, I think Captain Eimil at that time was one of the parties responsible, they were working on a whole new set, a standardized set that would be all given out and for various reasons, which I am not privy to that some reason they were not distributed but, I would sort of amicus curiae of the Commission and the Police Department at perhaps the appropriate time in the near future that some effort should be given in least to investigation of perhaps would the input from all relatively parties within the department to perhaps start working on a meaningful Rules and Procedures which would be easily understood by all parties, so if in fact, there are problems in the future about interpretations and meanings, that is, will assist both the Commission, and even more important the officers, in their daily duties what they are and are not suppose to do."

Commissioner Murphy: "I think this question could probably go to either Mr. Bley or to you Chief Mullen. Chief Mullen, how much of the procedure is in the Charter, we are going to have perhaps a Charter Commission elected in November, and is there a good deal that is required in the Charter, or do you know off hand?"

Deputy Chief Mullen: "No, not the Rules and Procedures of the department are established by the Commission, they must be consistant with the provisions of the Charter...the substance of....."

Commissioner Murphy: "I thought that it might be a golden opportunity to get some stuff out."

Deputy Chief Mullen: "The Charter allows the Commission to make rules for the conduct of its members."

Commissioner Siggins: "I proposed one rule, that if someone gets appointed a sergeant outside the time-honored Civil Service Promotional List, that no one pour_____on the locker or his lock and that no one wire his locker for at least until the time the matter is calmed down, anything else? Well tried case Mr. Bley, Mr. Wilson, thank you."

RESOLUTION NO. 391-78

DECISION-HEARING OF CAPTIAN J. WILLIAN CONROY, SUPPORT SERVICES-COMMUNICATIONS

WHEREAS, on February 3, 1978, Charles R. Gain, Chief of Police, made and served charges against Captain J. William Conroy, as follows:

SPECIFICATION NO. 1

COUNT I

a) That the accused at all times herein mentioned has been Commanding Officer of Park Police Station located at Stanyan and Waller Streets in the City and County of San Francisco;

b) That Sergeant Peter Alarcon, Star No. 1033, at all times herein mentioned, has been assigned to Park Police Station under the command of the accused;

c) That located within Park Police Station, in an area not open to the public, is a locker room, such that only members of the station have access to such locker room;

d) That on or about September 9, 1977, Sergeant Peter Alarcon, Star No. 1033, found that someone had sprayed chemical mace into his locker located in the Park Police Station Locker room;

e) That on or about September 9, 1977, Sergeant Peter Alarcon, Star No. 1033, personally notified the accused that his locker had been maced on said date;

f) That no immediate and personal investigation of said incident was initiated or directed by the accused, nor did he report the incident to the Chief;

g) Because of the above stated conduct the accused did violate Rules 2.245 as hereinafter stated in full:

"Shall, in the event of the arrest or misconduct of a member of his command within any district, make an IMMEDIATE AND PERSONAL INVESTIGATION of the circumstances connected therewith and report

thereon to the Chief. In addition to other pertinent date, such report shall contain detailed statements in question and answer form from the member involved and other material witnesses covering incident together with his conclusions and recommendations. He shall be held directly accountable for the proper conduct of the investigation."

COUNT II

a) That each and every allegation in paragraphs a, b, and c of Count I are incorporated herein by reference as if each were fully stated;

b) That a date between September 2, 1977 and September 12, 1977, Sergeant Peter Alarcon, Star No. 1033 found that someone had wired shut his locker in the Park Police Station locker room;

c) That on that same date, Sergeant Peter Alarcon, Star No. 1033, personally notified the accused that his locker had been wired shut on said date;

d) That no immediate and personal investigation of said incident was initiated or directed by the accused, nor did he report the incident to the Chief;

e) Because of the above stated conduct the accused did violate Rule 2.245 as hereinafter stated:

"Shall, in the event of the arrest or misconduct of a member of his command within any district, make an IMMEDIATE AND PERSONAL INVESTIGATION of the circumstances connected therewith and report thereon to the Chief. In addition to other pertinent data, such report shall contain detailed statements in question and answer form from the member involved and other material witnesses covering the pertinent facts and circumstances of the incident together with his conclusions and recommendations. He shall be held directly accountable for the proper conduct of the investigation."

COUNT III

a) That each and every allegation in paragraphs a, b, and c, of Count I are incorporated herein by reference as if each were fully stated;

b) That on September 19, 1977, Sergeant Peter Alarcon found that someone had poured a substance believed to be epoxy glue in the lock of his locker located in the Park Police Station

locker room;

c) That the accused was notified of this incident by Sergeant Peter Alarcon, Star No. 1033;

d) That no immediate or personal investigation of said incident was initiated or directed by the accused, nor did he report the incident to the Chief;

e) Because of the above stated conduct, the accused did violate Rule 2.245 of the Rules and Procedures of the San Francisco Police Department which reads as follows:

"Shall, in the event of the arrest or misconduct of a member of his command within any district make an IMMEDIATE AND PERSONAL INVESTIGATION of the circumstances connected therewith and report to the Chief. In addition to other pertinent data, such report shall contain detailed statements in question and answer form from the member involved and other material witnesses covering the pertinent facts and circumstances of the incident together with his conclusions and recommendations. He shall be held directly accountable for the proper conduct of the investigation."

SPECIFICATION NO. 2

COUNT I

a) That each and every allegation in paragraphs a, b, c, d, and e of Specification No. 1, Count I, are incorporated herein by reference as if each were fully stated;

b) That an incident in the locker room at Park Police Station could only have been performed by members of said station having access to such area;

c) That spraying mace into a member's locker would constitute a violation of Rule 2.13 of the Rules and Procedures of the San Francisco Police Department;

d) That no prompt report in writing of said incident was made to his commanding officer by the accused nor forwarded to the Chief;

e) Because of the above stated conduct, the accused did violate Rule 2.199 of the Rules and Procedures as hereinafter stated in full:

"Shall, promptly report in writing to his commanding officer any violation by his subordinates while on duty of these rules and procedures. A copy of such report shall be forwarded to the Chief."

COUNT II

a) That each and every allegation in paragraphs a, b, and c of Specification No. 1, Count II are incorporated hereby reference as if each were fully restated;

b) That an incident in the locker room at Park Police Station could only have been performed by members of said station having access to such area;

c) That wiring shut a member's locker would constitute a violation of Rule 2.13 of the Rules and Procedures of the San Francisco Police Department;

d) That no prompt report in writing of said incident was made to his commanding officer by the accused nor forwarded to the Chief;

e) Because of the above stated conduct, the accused did violate Rule 2.199 of the Rules and Procedures as hereinafter stated in full:

"Shall, promptly report in writing to his commanding officer any violation by his subordinates while on duty of these rules and procedures. A copy of such report shall be forwarded to the Chief."

COUNT III

a) That each and every allegation in paragraphs a, b, and c, of Specification No. 1, Count II are incorporated herein by reference as if each were fully restated;

b) That an incident in the locker room at Park Police Station could only have been performed by members of said station having access to such area;

c) That pouring of a substance believed to be epoxy glue into a member's lock on his locker would constitute a violation of Rule 2.13 of the Rules and Procedures which reads as follows:

"Shall, promptly report in writing to his commanding officer any violation by his subordinates while on duty of these rules and procedures. A copy of such report shall be forwarded to the Chief."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 30, 1978 and that on Wednesday, August 30, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Captain J. William Conroy, Support Services, Communications, as contained in Specification No. 1 (3 counts) are not sustained by the evidence presented at the hearing and that Captain J. William Conroy has not violated Section 2.245 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Captain J. William Conroy, Support Services, Communications, as contained in Specification No. 2 (3 counts) are not sustained by the evidence presented at the hearing and that Captain J. William Conroy has not violated Section 2.199 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Captain J. William Conroy has not violated Specification No. 1, (3 counts), Section 2.245 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Captain J. William Conroy has not violated Specification No. 2, (3 counts), Section 2.199 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, Section 2.245, find Captain J. William Conroy not guilty; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 2, Section 2.199, find Captain J. William Conroy not guilty; and the same is hereby affirmed and approved.

Vote on Specification No. 1
(3 counts)

NOT GUILTY: Commissioners Ciani, Murphy, Toler, Siggins

ABSTAINING: Commissioner Sanchez

Vote on Specification No. 2
(3 counts)

NOT GUILTY: Commissioners Murphy, Toler, Siggins

GUILTY: Commissioner Ciani

ABSTAINING: Commissioner Sanchez

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

The Commission adjourned its meeting at 1830 hours.

Sgt Gerald McNaughton
ACTING SECRETARY

6 SEPTEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 6, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Murphy, Toler, Siggins

ABSENT: Commissioners Ciani, Sanchez

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

249 CORTLAND - RELIABLE GROCERIES

a) At 249 Cortland, install a 22' green zone, extending from 11' to 33' west of east property line.

653-657 CHENERY STREET - PUBLIC LIBRARY BRANCH GLEN PARK

a) At 653-657 Chenery Street, install a 44' green zone, extending from property line 44' south of same.

199-11th AVENUE - P.G. PUGSLEY & SONS ANTIQUES/ARCHITECT

a) At 199-11th Avenue, install a 41' green zone, to extend from 4' to 35' north of south property line.

2048 TARAVAL STREET - ABC APPLIANCE

a) At 2048 Taraval Street, install a 22' yellow zone, to extend from 2' to 24' west of east property line.

1450-15th STREET - HOME ELEVATOR CO.

a) At 1450-15th Street, install a 22'

yellow zone, to extend from 28' to 50' west of east building line.

b) Revoke 22' green zone, extending from 28' to 50' west of east property line at same address.

3155 SCOTT STREET - HOTEL EDWARD - CONTINUED TO SEPTEMBER 13, 1978

483 GUERRERO STREET - LAND MARK ASSOCIATES

a) At 483 Guerrero Street, install a 24' green zone, to extend 24' north of south property line.

581 WEBSTER STREET - H & W GROCERY

a) At 581 Webster Street, install a 22' yellow zone, to extend from north property line 22' south of same.

245 POWELL STREET - CRANE HOTEL

a) At 245 Powell Street, revoke existing 30' white zone, extending from north of south building line.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 52 feet of green and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

RESOLUTION NO. 392-78

RECOVERY SERVICES INTERNATIONAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Recovery Services International against the City and County of San Francisco in the sum of $274.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: May 1, 1977

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

RESOLUTION NO. 393-78

SECURITY PACIFIC NATIONAL BANK, BROWN BROS. ADJUSTERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Security Pacific National Bank, Brown Bros. Adjusters against the City and County of San Francisco in the sum of $357.28 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: April 18, 1978

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

RESOLUTION NO. 394-78

BOBBIE STEPHEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bobbie Stephen against the City and County of San Francisco in the sum of $250.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 6, 1977

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

RESOLUTION NO. 395-78

AUTHORIZING ATTENDANCE OF LIEUTENANT ARTHUR O'KEEFE, POLICE OFFICERS RICHARD CAIRNS, JERRY DONOVAN, RAYMOND SHAFFER, STEVEN SILVERS, JOHN HENNESSEY, RONALD KILLEN, GEORGE WALSH, CRIMES SPECIFIC TASK FORCE, AT THE ADVANCED SPECIAL WEAPONS AND TACTICS TRAINING COURSE, AT FORT ORD, MONTEREY, CALIFORNIA, FROM SEPTEMBER 19, 1978 TO SEPTEMBER 20, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Arthur O'Keefe, Police Officers Richard Cairns, Jerry Donovan, Raymond Shaffer, Steven Silvers, John Hennessey, Ronald Killen, George Walsh, Crimes Specific Task Force, be detailed to attend the Advanced Special Weapons and Tactics Training Course, at Fort Ord, Monterey, California, from September 19, 1978 to September 20, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Lieutenant O'Keefe and Police Officers Cairns, Donovan, Shaffer, Silvers, Hennessey, Killen and Walsh, Crimes Specific Task Force, in a sum not to exceed $101.25 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

WEEKLY SICK REPORT

No weekly sick report was presented to the Police Commission at this time.

The members of the Commission and Chief, having received and returned amended copies of the minutes of the meeting of July 26, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

No report was presented to the Police Commission at this time.

RECEIPT OF PROPOSED DEPARTMENT GENERAL ORDER ESTABLISHING EMERGENCY (CODE 3) DRIVING REGULATION AND PROCEDURES. (COPIES SENT TO EMPLOYEE ORGANIZATIONS). CONTINUED FROM THE MEETING OF AUGUST 23, 1978 - CONTINUED TO SEPTEMBER 20, 1978.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

STATUS REPORT RELATIVE TO THE COMMUNITY BOARD PROGRAM. (MR. SHONHOLTZ TO REPORT TO COMMISSION). CONTINUED FROM THE MEETING OF AUGUST 23, 1978.

Raymond Shonholtz: ".....Community Board Program for the City, it is an experimental Neighborhood Justice Program, and basically, what we are doing is hearing cases in two neighborhoods in San Francisco, the Bernal Heights and the Visitacion Valley, and the range of cases are civil, neighborhood disputes, and settle criminal cases that we receive from both the local police department, district attorney's office, none from Juvenile or Probation, and the experiment is to allow residents in those neighborhoods to handle the cases themselves, without attorneys or without judges and.....in the neighborhoods, at the request of Chief Gain and in following procedures we had adopted, I believe the Commission, in general.

We have been providing the Commission with roughly quarterly reports, sometimes in person, most of all most always in writing through the Chief to the Commission, and directly to the Commission itself. A very brief report at the request of Chief Gain was provided to the Commission on the 10th of August, I did not realize that the Commission desired to have my presence at the previous meeting on August 23rd, and the Chief had called and said that you had carried the matter over to this date and I am happy to be here. I don't have really that much to add to the August 10th report, other than to share with you, I think, a couple of things that I think would be of interest to you directly about the program in relation to the two district offices that we worked with. We work very closely with the Southeast District and a little bit with the Ingleside Police District. We have a long history with the Southeast District going all the way back to when Captain O'Connor was Captain, we've basically, we have gone to the history of Captains in the Southeast District. We are fairly intimate, familiar with the situation with Southeast. You know I

think any program that is not officers related, that is of a civilian nature has problems with a military oriented outfit, we have had no problems with the managerial side as Deputy Chief Mullen knows, and the other Deputy Chiefs as well as the Chief, himself, that the cooperation has been extraordinary and very good and the cooperation, I think, in many ways at the rank level has been quite good.

I just think that the Commission, the sense of their mission I believe police officers is basically enforce the law and to make arrest and it is not to conciliate mediate, or resolve problems and I do not think that officers view themselves in that capacity and normal view that type of work to be more orient towards social welfare or social work than to responsible officer work, so I think the amount of cases referred to the panels have been very few and while we have done, I think, an extraordinary amount of work with the Southeast District ranging from meetings both here at the Hall of Justice, meetings in the field, we did a training program with the officers, from the Captain rank all the way down to patrol rank 16 or 18 officers here at the Academy, an all day training program. I think the results are quite candidly have been negligible and I think the report indicates that. We also have been doing something else, that I think I like to...that I think you would be interested in, I would like to share with you. With do staff district attorney's office, two mornings a week, which we have drawn back to one morning a week in their citations, we also have been tracking where citations arise and type of the citations that we are talking about that come out of the field and have a very good sense at this point to the number of citations that are issued per month by the police department."

Commissioner Siggins: "This going outside of the Bernal Heights and Ingleside....."

Mr. Shonholtz: "The reason why we have been tracking other areas beyond Bernal Heights and Visitacion Valley is because we intend to expand fairly drastically in the near future and what to located those areas where is both prosectiorial as well as police activity, in the hope that we would have a greater case referral from both agencies and I think that the experience we have had indicates that the citations are not used or if they are used in a full way, it certainly suggest that the....it is not a procedure that is readily followed or acceptable it seems, maybe that is a better word to the officers in the field."

Commissioner Murphy: "You mean by the police because you have tremendous case load here, it seems."

Mr. Shonholtz: "Well, we do have a very good case load."

Commissioner Murphy: "Mostly leaflets and that sort of thing?"

Mr. Shonholtz: "Most of our cases are right out of the neighborhoods, churches, community organizations, and individuals. We do a very great amount of mass leafleting and mass distribution of the newsletter to every house, we normally hire on a regular basis high school and junior high students who just disbtribute the leaflets and newsletters and most of our cases have come from those pieces of literature. And many of those cases had prior police involvement, that is that the police had been called on this incident once or often many times prior to our intervention and it is not that the police have not done their job, quite the contrary, in many of those situations the police have done the job admirably, it has just been the type of situation that has not orientated itself to an arrest or citation but there is an on-going dispute or problem, that I think that the police officer have a difficult time with landlord/tenant, domestic relations, etc. The reason why I think it is important to focus on...I would like to focus briefly on two things, one, the citation and two, the response by the line-up by the field, not by police management. I think the August 10th report by its brevity indicates that there just given the amount of relationship between community board staff and line officers that the amount of case referral is just insignificant to what it continue expenditures of time and resources, part of the problem goes to, I think, the change over in the Southeast section of the officers.....management officers, particularly at the captain level and I believe the same is true at the permits officers level within both areas, Ingleside and Southeast Section."

Commissioner Murphy: "The Permits, did you say?"

MR. Shonholtz: "The permits officers is an officer that we have been relating to as the officer who basically has been involved in reviewing the daily cases logs and the cases that come and is one of the few people besides perhaps the lieutenants who really have a good understanding of the types of cases that are coming through the district and the permit officer have occasionally when they desire to, or follow the procedure that we periodically set up have reviewed the log and have referred cases to the panels and the cases that they have referred almost invariably those cases that has gone to panel hearings, so that suggests certainly, although there is not vast numbers of cases to draw a conclusion from, it suggests that there is activity out in the field in relation to the police department in those areas that would be appropriate for a neighborhood resolution process other than processing it through either by citation or arrest or through the court process, but I think there is not...maybe an emotional commitment maybe is the correct phrase, at the line level to make the thing work. So what we have done is put more resources

in the neighborhoods directly through leaflets, through communications with community organizations and particular churches, as opposed to staffing the field a district office, station office. We have basically reached the same conclusion by staffing for two mornings a week in the district attorney's office and reviewing the entire review over the last five months of the citations that have come to the district attorney. It really suggests that a program like this should spend more time in the neighborhood than in the agency, basically, I think. That the agency just really and truly either by their procedures and process have....it is cumbersome or difficult for them to refer the cases....district attorney's office and those citations that are there generally one or two categories, prostitution in particular and significant amounts of shoplifting but, if you look at the actual numerical number of citations filed there are negligible and one would have to conclude insignificant compared to the number of misdemeanor arrest made by police officers in the field, which generally suggests a lack of use of citations either. I am not saying it is appropriate or imappropriate, I just think that factual is that citations procedures are not used, or if they are used, they are used to the hilt and that is all we are going to get is the 200 or 300 cases that come through the citation process. Also, an interesting thing by following...we have followed the citations in five police districts, we have a fairly good sense where citations arise in the city. There are many areas of the city where there are no citations at all and there are other areas in the city where there are a high degree of citations, but only of particular kind. Even after the conclusion of all that...all of the review of all of the statistics and everything, what you find is that they are insignificant. Certainly insignificant in number to the actual arrest made, misdemeanor arrest made by the police. What is not insignificant however, is the number of calls for service by officers in the field, that is not insignificant at all and that is quite high, and what you find in those situations is high number of misdemeanor oriented activity, although I say misdemeanor oriented because no misdemenaor arrest is actually made, but of that caliber, disturbing the peace."

Commissioner Murphy: "Would you illustrate what you mean by that?"

Mr. Shonholtz: "Disturbing the peace, trespass, malicious mischief, vandalism, this order of activity is fairly pronounced in the neighborhoods which will generate a call most often from a neighbor or some third party which will bring a police response but there will no second party identified in the police report, and in fact, at one point we were doing a fairly systematic review of the police reports in the Southeast District and basically,

found that a significant percentage of cases that the police officers went on, calls for service, party refused for one reason or another, at any rate the police report indicated a failure to give the name of the second party or other parties involved in the situation. What that suggests is there is an on-going problem, many of these cases, in fact, I certain you are familiar with as the officers in the room know, that every station house has its half a dozen people that call all of the time, although that is Mrs. X, you know, she is calling about her chronic complaint, every station house has that situation I think and what you find I think is the increasing, an amazing number of calls for service that don't generate a second party, but where there is an on-going consistent conflict in that particular local or neighborhood and we have periodical at random have gone out on those cases where the second party has not been identified in the police report. Basically, what I have found that the parties are often willing to talk to someone who is not the police officer, about who the second party is and what the complaint is, which suggests a limitation on some.... in some areas of just the police function itself, that I think people use police in an inappropriate way in mean instances. They use them to abate or stop a given problem but really and truly are not interested in being involved in the criminal justice system such they really want to give their name and put the mark on someone else that will drag both parties into the process. So when we have encountered those situations, we have had a very successful rate of encouraging parties to come to the panel hearings, mainly because there are no records basically kept, certainly no police records kept, no criminal records kept and it is a voluntary process and it removes the stigma or the problem most people might have in using a police situation. But I think that while the management of the police department is certainly behind the community board program in the concept and the Commission, of course, is being generous in its support. I think there are real problems at the rank level of using a program that is as expeditious as direct and as community level as this program is and I am not too certain that is a training issue, I think it is a question of perception of officers mission and I just think that at this stage that without a captain and a permit....a captain that is genuinely committed to the concept of neighborhood dispute resolution and a permits officer who is done to stay on the point daily that a program like this is better....better spends its time and resources in other parts than in the police department, certainly that has been our experience to date. I think that we would have a greater volume of cases from the department and the district attorney's office were.... I think the sense of mission and commit by the police at the captain level very clear the procedures followed on a daily bases and a permits officer that was, in fact, duty bound on a daily basis to come forward with the review of the cases that was logged over the previous days, the 24 hours....."

Commissioner Siggins: "The permits officers is kind of the captains assistant, is that what we are talking about?"

Deputy Chief Mullen: "Yes, the officers that handles the permit in a very busy station usually is totally occupied with permit activities in the less busy station or in those stations that have less permit applications he is kind of the captain's community contact person and he does very often review and summarize incidents cases for the captain."

Commissioner Murphy: "Who does it if he is real busy, does the captain do it himself or have someone else?"

Deputy Chief Mullen: "The captain in a very busy station is also a captain clerk's in each station and that is....she is the one charged by the rule book as I recall with making the summary of crimes for the captain. Depending upon the given week, or given day, could be any number of people, sometimes there is a utility person there that kind of fills in, but the permits officer in a station like Southeast is not occupied enough with permits to totally occupy his time. In a very permit active station like Central Station there is one who is totally dedicated to permits and there is another person who handles those community contacts, summarizing reports type of things."

Mr. Shonholtz: "I think that is grand, I mean our experience has been in...we are talking about stations where the administrative staff is over-burdened and the idea of coming along with the community based program to do an additional function is viewed as an additional burden and that...I did not mean to make fault when I said early that it required a captain who put this as a high priority in commit and the permits that is true. You need a captain who is dedicated and committed to this concept, who wants to see this things resolved in a neighborhood level, sees the merit in that, directs a permits officers to give that high priority over the other things. If that does not take place then the other things will swamp the permits officers and this will be put on the back burner, the result will be a dirth of cases referred to a resolution program."

Commissioner Siggins: "I notice Professor you have some referral from the school department or the P.T.A."

Mr. Shonholtz: "What is very interesting actually, we close the circle, the police come out for instances on many juvenile cases particular school cases, the police refer or the school people refer the case to the probation department, and the probation department where we are in...the areas we are in refer those cases to us and we have had a direct circle. We have had at least two or three

dozen cases now that have swung all the way from the officer who could have made the referral directly to us right at the point where the case then move from the offers, from the school, to probation which juvenile probation swinging the case right back to us. Which indicates the point.....there is the juvenile probation is highly alerted to the program has been at panel hearings, likes what they see, feels very....I think it is fair to say and knowing the officer deputy juvenile officer involved I think that in fact resolution reached by panels quite candidly are better than results that might be achieved in courts. I think from my own juvenile criminal experience that they are correct. I do not think the officers have had the experience, the police officers have not had that direct experience and so.....particular juvenile situation I think there is a certain....my sense I could be incorrect, but my senses there is a high level of training of juvenile cases get passed immediately to juvenile probation so the result is you have a lot of case work done, a lot of paper done on cases. Basically, swing back to us in two areas. Now, we plan to expand fairly significantly to cover the southern....the entire Southeast section of the city, borrowing perhaps Bayview-Hunters Point for the next six months, from January to May we will probably go...we will probably be located from Army Street to the county line, Mission to 101, which will expand our area about five fold."

Commissioner Toler: "How large is your staff?"

Mr. Shonholtz: "Staff is currently 12, and we will increase approximately to about 20 by May. The program is privately funded through about 11 - 12 private foundations, about half a dozen in the city, the rest are national foundations, ranging from Ford Foundation and other foundations. Several of the people we have now are CETA, we will in the coming year have CETA and VISTA as well as program people paid on private foundation funds."

Commissioner Siggins: "What is the overall goal of your program? I am sure it has been answered before .....hope to achieve through your program?"

Mr. Shonholtz: "Our original goal was just to see if we could get an answer to a very simple question, which was, could you ask neighborhood people to come together, receive a certain amount of training and resolve cases. Since the answer to that question....."

Commissioner Siggins: "Take it out of the criminal...."

Mr. Shonholtz: "And originally was...the kind of intention that was could you take it out of the criminal system and the original idea was to be real a front line service to the police department. The very original idea was that the ofifcers would have an option to arrest physically, cite, or to encourage the parties to go a volunteer program. As we had more and more

experience with officers basically who refused for one reason or another, conscientiously of the program, we move more of our resources into the neighborhood as directly, church meetings, community meetings, community organizations, individuals, and business. The result has been not only have we answered the original question which is quite positively "yes," neighborhood people will, in fact, come together and basically take care of themselves in their own neighborhood but, they, in fact, have more problems and more incidents than if fact had came to the police department and will refer those cases to I believe an identity that is non-threatening, non course, non recordkeeping and so I think at this stage are our goal is to develop an neighborhood based program for the entire....a good part of the city of San Francisco to have not an alternative system but a separate system whereby people on a volunteer basis can use dispute resolution program that conciliates problems between people regardless of what the problems are, as long as they voluntarily want to come before a panel of their neighbors, panel meetings are open, they are not closed and the panels do not make a distinction between civil and criminal cases, neighborhood disputes, etc., so they do not put on the legal distinction that we normally find in a court of law. So I think we have been far more successful than we ever imagined we would be and so we really expanded our horizons in terms what our goals are."

Commissioner Siggins: "Professor, there were some beat personnel that went through a training program, have they volunteered any cases to you?"

Mr. Shonholtz: "There are two, particular ones, beat officers, two beat officers, originally cover Leland Avenue and Geneva Avenue in Visitaction Valley. Officer Hartgrave and Officer Cusstoffan, Gus Cusstoffan, Gus is still there, Hartgrave is occasionally there. I believe Gus is referred two cases to the panel during the time he has been a beat officer, perhaps three, no more than that, so we are talking about a fairly....."

Commissioner Siggins: "We had the idea that you were going to get one a day or more."

Commissioner Murphy: "At least, could I ask you something about that...is comparable paperwork or problems with referring a case to you or your organization as contrasted to referring....or is a lot more difficult or is so different, I think if people get into a rut and it is easy to go to juvenile probation officer rather than to bother with this new thing that they know about, maybe it might be pretty good but, I mean .....is there some element....how difficult is it to get a case before the civilian review board?"

Mr. Shonholtz: "I think the honest answer to the question is that originally we had...we produced a card. I may even have a copy with me, I am not certain I do, originally we had produced a card that was preforated, this is torn at the moment for the officers...one side was.....it is a four or five sentence...two sentences really one paragraph, explanation of the Community Board Program the other side to get the name and address and telephone number of the party that the officer contacted. What the officer would do, is give the information side to the party and fill out this side and give it to us. Since we were not getting any of these, we figured it was too much paperwork, so we scraped that entire....."

Commissioner Murphy: "Before you go on though, when he did that, did he also have to go back to the station and write out an arrest record or make usual reports that he had to make anyway?"

Mr. Shonholtz: "Officers are required to fill out an incident report minimal what they call a lab 6 in response to a call for service, but most often the case....the situation will generate an incident report so the officer would normally fill out a lab 6 or an incident report regardless whether it is a community board program or not."

Commissioner Murphy: "But this is in addition....."

Mr. Shonholtz: "Originally this was an addition, then while we did not get any feedback that this was difficult or cumbersome we got an applied feeling that it might be an additional amount, so we scraped this entire thing and made a little wallet size card, basically it said the same information as this in Spanish and English for officers just to have and give out, no paper work at all, and our position was if they want to give it out to somebody and the people want to call us, fine, if the officers wanted to note in the incident report that the case was referred to the Community Board Program, fine. But we would use the permit officers to review the incident reports and it would be the permits officers that would refer the case to us. I do think that is the easiest and correct procedure because it means that the line officer who is busy in the field neither has to fill out any additional paper nor has to really do anything, it is really the permit officers who would do that subsequent follow-up."

Commissioner Murphy: "So there is where your block is in a sense, if....."

Mr. Shonholtz: "I think the real block is that the communication has not been as strong as need...as it is required, you know, I think officers are use to having a duty list and set of priorities and things that first, second, third, fourth, in priority and the captain sets that out and those are the things the officer does, if this is something he does when

he can do it, all officers administratively, permits officers, captains, lieutenants, in my experience at both station houses are over-burdened and less this is made a significant priority then given the fact that they are over-burdened they will not get to it except occasionally and what happens, therefore is you occasionally get a case refer, if this is made a high priority the cases are there we get a lot of more cases. It is just the question of priority in the sense of where it fails within their mission."

Commissioner Siggins: "You think that if Captain O'Connor had not retired from the department there would have been more activity from the station."

Mr. Shonholtz: "I think that is hard to say, but no, I really doubt it, the Captains that have followed in sequence have all been quite supportive, Captain McFarland before he left was very, very supportive, Captain Cassidy of Ingleside has been quite supportive, I don't that it is there, the problem is we have a meeting for instance with Chief Gain with the respective Captains and downtown and it is all kind of worked out and understood and then nothing seems to quite happen, then we go one step further into the field and have a meeting with the captain and the permit officers and it becomes clear that it is really on the permit officer, that is what we are really talking about, and the permits officer has to feel that the captain is duty bound or somehow senses this is a high priority, either because the Chief is going to want a report or the Chief has an expectation, the Commission has an expectation, and it will be done, but without that I have a real question whether it would be done. Just because there is so many things that they have to do that it is not given the proper ranking."

Commissioner Murphy: "Can I ask Chief Mullen, just a second, has this ever been discussed at Staff Meetings that Chief Taylor has with the commanding officers of the various stations...reports on or anything like that?"

Deputy Chief Mullen: "I can not respond directly to that."

Commissioner Murphy: "I have never seen it reported, but....."

Deouty Chief Mullen: "I can not respond directly because I do not attend all of those meetings. I might point out that has been a lack of continuity of captains and I do not know to what extent it has been imparted to the Chief that this is a problem imparted to the Chief that this is a problem, this communication or this continuity whatever it is. One of the systemic problems that I am concerned with is this sort of thing is....goes to your point of.....when a program is being tested, if that is what it is, in a small area of a district it would be difficult to

in a generalized captains meeting to impart a sense of importance to the other captains in whose areas is not....."

Commissioner Murphy: "Yes, I agree with that, I was just thinking that maybe the whole thing could be discussed as what are the pro and cons of this, what is the perception of the captains not to you, because he knows of your particular bias, but to his peers or to his immediate superior or what is his perception of really is this so important, because I think that they got so much to do now it is unbelieveable, the amount of reports and things that have to be done."

Deputy Chief Mullen: "We could and should meet further with Mr. Shonholtz I think and I know in a bureaucratic organization and that is what we are, you have so many tendrils out it is difficult to make everything to work the way you want it, but with regard to this specific program I see no reason why we can not energize the people in those areas and I share with him the way to make anything work administratively is to in affect centralize it and one person in this case whoever it is who reviews the reports, that is the best way of doing it. It is a lot easier to get one person doing the same thing a hundred things then it is to try and get a hundred people who might come through the area do it once. That again, that is systems' problems, but I see no reason why....."

Commissioner Murphy: "I was suggesting more of the idea of having Captain Cassidy and Captain D'Arcy, and possibly Taylor or you or theChief or some talking without Ray being there, I mean what is their perception of just how much can they take of this, how much is worth to them, this kind of thing, that maybe you get a little bit different side of it, it would be useful to you, maybe it is impossible to get them to the point where they can really make this effective from their point of view, given other things they have to do."

Mr. Shonholtz: "I think there is something else to that, Captain D'Arcy is replacing Captain McFarland so he is...we had a long history with district, but we do not have a long history with the Captain, so it is going back and developing a relationship in history with Captain Cassidy, it is very interesting, you know, the Ingleside District Patrol Bernal Heights it is not the Mission Station, even though the Mission is certainly much closer, the result is that the...I could be talking out of turn here, I could be corrected here, my sense is that Bernal Heights is not well patrolled and the reason why Bernal Heights is not well patrolled is because the officers come from the Ingleside and they do not come from the Mission, the result is that .....where we really pick this up, it is very interesting, we were getting a lot of cases juvenile probation to the Visitacion Valley panels and no cases from, none

at all from juvenile probation to the Bernal Heights panels and we begin to look why that was the case. We found that we was dealing with the same juvenile probation officers, so it was not the question of some officers not knowing or not liking the program that was not the case nor is it currently the case, the situation was that the Visitacion Valley area is well patrolled,reasonably well patrolled by the Southeast Section and I think that Bernal Heights comparable is less patrolled so that the juvenile activities in Bernal Heights, which I think, quite significant, we talk to merchants and residents there, etc., does not generate police interaction or intervention, consequently police are neither siding nor arresting on the level that they are in Visitacion Valley with the result that the juvenile probation officers are not referring cases."

Commissioner Murphy: "They are not getting the cases."

Mr. Shonholtz: "They are not getting the cases which accounts for a higher degree of juvenile cases referred to the panels in Bernal Heights than in Visitaction Valley, I believe. So, with Captain Cassidy we have not had that much interaction even though he has been there certainly much longer than Captain D'Arcy, and I think, certainly as....has been there as long as Captain McFarland, close to that perhaps, because has not been as much police activities in the area that would warrant the case referrals, that is my sense and I could be wrong, but that is the impression I have."

Commissioner Siggins: "What about a motion in the sense of the Commission that we are actually looking for more referrals from the two districts to the Community Board because this is really what Professor Shonholtz is outlined for us the referrals since January 1, 1978 and here is big staff ready to handle this matters and just are not that many, it does not seem to us there that much cooperation may not be the best term....."

Commissioner Murphy: "Activity."

Commissioner Siggins: "Enthusiastic activity...."

Commissioner Toler: "You indicated that you as far as explaining the program, how is this determined to what community do you go into, how would you determine....."

Mr. Shonholtz: "Well, we are looking very seriously at the southern part as I mentioned, southern part of the city for several reasons, first of all, it takes in the Ingleside area, police area and it takes in the Southeast which are areas that we have some familiarity with, we have two field offices set up,

one in Bernal Heights, and one in Visitacion Valley. The expansion would work out of those two offices as oppose to, for instances, to have an office way out in the Sunset, that would make logistics and etc., very difficult. The idea has been to try...one of the complaints by the captains, I think it is a valid complaint, has been that we are too, this in a way part of the thing Deputy Chief Mullen mentioned is that we are very narrow areas the district sever wider areas than we are currently in they have more cases outside our areas as well, if we expand the sense is that there are more cases out there that we could receive. I have a real question about that, quite frankly, because... it still goes the whole question of procedures and how you get them and I think the encouragement here, I think, is real useful from our side. I think that the Southeast has an ethic racial composition that is a group that we are interested in working with, I think that they have a lot of different problems, they are not well serviced in terms in social services by agencies in the city, and they do touch the two districts that we are most familiar with so those are key rationales to expansion. We are very interested in the local....."

Commissioner Siggins: "Pardon me, Lieutenant Trueb, are you working on a calendar matter there?"

Lieutenant Trueb: "Waiting on seven and eight."

Commissioner Murphy: "I would like to move that we do ask or memorialize the department to hopefully develop some positive activity along this line and sensitize people, you fix it up....."

Commissioner Siggins: "If I see Captain D'Arcy, I shall."

Mr. Shonholtz: "Let me ask one thing, I do not think the issue is really sensitizing, I think the issue is much closer, is there something that the captains and the permits officers really and truly want to do, we are all very busy, Deputy Chiefs, the Chief, are extremely busy and everybody is over-taxed, if this is something that honestly meets their sense of what will help their duty responsibilities in the area and they have a sense from the Chief down that is a high priority then it will be given the attention that it deserves, if it is sense of, and I do not want to play on this or be cynical or anything, I really want to be clear, cause we have a lot.....even sensitizing, they are sensitive, they are sensitive people, they know their problems and they are doing their job, it is not an issue of sensitivity, it is an issue of clear procedures and priorities, if the priority is given then the referral will be made, if the priority is not given their busiest will over come any sense of sensitive, and it will be put at the bottom of the....."

Commissioner Toler: "Because I think maybe they do not know what you are all about."

Commissioner Siggins: "I do not think that either of those captains would worry about telling us how they feel about the program, you know."

Commissioner Murphy: "I did not get a second to my motion, so I would like to change it, would you like to make the motion, please do,.....What I'd like to move is that we...it is the senses of the Commission that the department put a high priority on this activity, so that we can see if it will,in fact, meet all of the hopes and plans that have been developed through this operation."

Commissioner Toler: "I second it."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

RESOLUTION NO. 396-78

STATION OFFICER THOMAS O'BRIEN, RICHMOND STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Station Officer Thomas O'Brien, Richmond Station, as follows:

SPECIFICATION NO. 1

Conduct Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Intoxication Off Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on Charges filed against Station Officer Thomas O'Brien, Richmond Station, be, and the same is hereby set for Wednesday, September 20, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

RESOLUTION NO. 397-78

HEARING OF MICHAEL ALLEN WINN, CETA, 1404 CLERK, PERSONNEL BUREAU

WHEREAS, the hearing of Michael Allen Winn, CETA, #1404 Clerk, Personnel Bureau, was called; and

WHEREAS, it was requested by Michael Allen Winn, that the hearing before the Police Commission be continued to September 13, 1978; therefore be it

RESOLVED, that the date for the setting of the hearing of the disicplinary charges filed against Michael Allen Winn, CETA, #1404 Clerk, Personnel Bureau, is set for Wednesday, September 13, 1978, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

RESOLUTION NO. 398-78

REQUESTING THE POLICE COMMISSION TO MAKE 50 NON-CIVIL SERVICE APPOINTMENTS TO THE RANK OF SERGEANT (Q50) UNDER THE PROVISIONS OF CHARTER SECTION 3.501

WHEREAS, on July 5, 1978, 50 officers have been appointed to the rank of sergeant on a non-civil service basis. However, as of this date, there were still 16 vacancies in that rank; and

WHEREAS the method of selecting eligibles would remain the same: To the extent that protected class officers will accept promotions on the basis of their protected class status; therefore be it

RESOLVED, that pursuant to Charter Section 3.501, the Police Commission hereby approved the appointment by the Chief of Police of up to 50 Q2 police officers to the non-civil service rank of Sergeant.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

RESOLUTION NO. 399-78

REQUESTING THE POLICE COMMISSION TO MAKE 50 NON-CIVIL SERVICE APPOINTMENTS TO THE RANK OF ASSISTANT INSPECTOR (Q35) UNDER THE PROVISIONS OF CHARTER SECTION 3.501.

WHEREAS, on August 20, 1978, five non-civil service appointments were made to Assistant Inspector. However, with 40 positions in this rank still vacant a serious manpower shortage exists; therefore be it

RESOLVED, that approval is given to the Chief of Police to make up to 50 non-civil service appointments of Q2 Police Officers to the rank of Q35 Assistant Inspector.

AYES: Commissioners Murphy, Toler, Siggins

NOT VOTING: Commissioners Ciani, Sanchez

The Commission adjourned its meeting at 1905 hours.

Sgt Gerald McNamara

ACTING SECRETARY

13 SEPTEMBER 1978 REGULAR MEETING.

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 13, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

RECOGNITION BY THE POLICE COMMISSION OF POLICE OFFICER DOROTHY JORGENSEN, DECOY UNIT, CHOSEN FOR INTERNATIONAL AWARD.

"September 13, 1978

Dorothy M.Jorgensen
Police Officer
San Francisco Police Department
850 Bryant Street
San Francisco, Ca. 94103

DOCUMENTS DEPT.
S.F. PU LIBRARY

Dear Officer Jorgensen:

On behalf of myself and my fellow Commissioners I wish to take this opportunity to acknowledge your selection as the Woman Police Officer of the Year by the International Association of Women Police.

Your heroic and professional efforts as well as those of your fellow officers of the Street Crimes Unit are well known to this Commission. We realize that it was your performance that resulted in your selection for the Woman Police Officer of the Year honor; a selection which receives our complete concurrence.

Dorothy, we are extremely proud of you and thank you for the honors you have brought to the San Francisco Police Department. You have shown that women can perform the most dangerous of police assignments in a professional manner.

Please accept our heartfelt admiration for you for an award you deeply deserve.

s/Richard J. Siggins
Richard J. Siggins
PRESIDENT
THE POLICE COMMISSION"

RECOMMENDATIONS OF THE TRAFFIC BUREAU -APPROVED

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning, for the regulation of traffic on the public streets, be, and the same are hereby approved:

200 BALBOA - 3rd & BALBOA MARKET

a) At 200 Balboa Street, install a 28' green zone, to extend from 7' to 35' west of 3rd Avenue. (existing green time limit to be extended to 9:00 P.M.)

299 MIRAMAR (Approximate) - TOMMY'S PRODUCE

a) At approximately 299 Miramar, install a 22' green zone, to extend from 3' to to 25' south of handicap ramp.

1885 LOMBARD - 1885 LOMBARD PHOTO-FILM PROCESSING

a) At 1885 Lombard Street, install a 22' green zone, to extend from east property line 22' west of same.

2809 GOUGH STREET - SASSUOLO CERAMIC IMPORT - CONTINUED TO THE MEETING OF SEPTEMBER 20,1978

609 CLEMENT STREET - S.F.P.D.

a) At 609 Clement Street, revoke existing 27' yellow zone, extending from 30' to 57' west of 7th Avenue.

4794 MISSION STREET - S.F.P.D.

a) At 4794 Mission Street, revoke existing 18' yellow zone, extending from 24' to 42' north of Onondaga Street.

4784 MISSION STREET - S.F.P.D.

a) At 4784 Mission Street, revoke existing 21' yellow zone, extending from 18' to 39' south of north building line.

1699 BAY STREET (approximately) MARINA JR. HIGH SCHOOL

a) At approximately 1699 Bay Street, revoke

existing 36' white zone, extending 36' east of cross walk (Bay & Webster, SW corner.)

b) Remove one (1) sign.

2961-16th STREET - S.F.P.D.

a) At 2961-16th Street, revoke existing 35' white zone, extending 35' west of east building property line.

2351-23rd STREET - HORACE MANN SCHOOL

a) At 2351-23rd Street, install a 66' white zone, to extend from 40' west of east property line to 106' west - extending white zone.

b) Remove meters 23S, 3337, 3335, 3333. School signs to be installed.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 203 feet of green, yellow and white zones at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 400-78

CHRISTIAN ROGERS AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Christian Rogers and his attorney in the sum of $8[illegible].00 in Municipal Court Action No. 755-908 entitled, "Christian Rogers and his attorney v. City and County of San Francisco, etal.," as the result of damages sustained, be and the same is hereby approved.

Date of Incident: February 24, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 401-78

STEVE S. SKALKO AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Steve S. Skalko and his attorney in the sum of $10,285.10 in Superior Court Action No. 630-499 entitled, "Steve S. Skalko and his attorney v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 30, 1970

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 402-78

AUTHORIZING ATTENDANCE OF OFFICER PAUL LIBERT AND CRIME ANALYST DAVID POLLITT, AT THE SAN DIEGO POLICE DEPARTMENT ON SEPTEMBER 28,1978 AND SEPTEMBER 29, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Paul Libert and Crime Analyst David Pollitt, be detailed to attend the San Diego Police Department on September 28, 1978 and September 29, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Police Officer Libert and Crime Analyst Pollitt, will be paid by the Integrated Criminal Apprehension Program.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 403-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED: that the Traveling Expense Voucher

submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Police Officer Dennis J. Schardt) Crime Prevention Education Unit)	$480.00	(At the California Crime Prevention Institute, (sponsored by Loss (Prevention, Incorporated at Pomona, (California, from (August 6,1978 to (August 18,1978, (inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

No weekly sick report was presented to the Commission at this time.

The members of the Commission and the Chief, having received and amended copies of the minutes of the meeting of July 26, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

No report was presented to the Police Commission at this time.

RESOLUTION NO. 404-78

AUTHORIZE THE DEPARTMENT TO INSTITUTE A SCHEDULE OF FEES FOR THE DUPLICATION OF VIDEO TAPES

WHEREAS, the Chief of Police has made a survey to determine the costs of manpower and material necessary to reproduce video tapes for private persons or other public agencies.

WHEREAS, the Chief of Police has recommended that the Police Commission adopt a resolution authorizing the Police Department to institute a fee for the duplication of video tapes so that the Citizens of San Francisco need not bear the expense of providing time and materials to private or other public agencies.

RESOLVED, that effective October 1, 1978 the scheduled fee for duplication of video tape will be as follows:

$20.00 for the first hour or any part thereof

$10.00 per one-half hour thereafter

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 405-78

POLICE OFFICER NICHOLAS MAHONEY, TARAVAL POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Nicholas Mahoney, Taraval Police Station, as follows:

SPECIFICATION NO. 1

Intoxication off Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Refusal to Obey a Lawful Order. (Violation of Section 2.45 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Conduct Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Nicholas Mahoney, Taraval Police Station, be, and the same is hereby set for Wednesday, October 4, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING OF SERGEANT BURTON J. BISHOP, PROPERTY CLERK SECTION

The hearing of Sergeant Burton J. Bishop, Property Clerk Section, was called, it having been set for this date. Sergeant Burton J. Bishop was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Intoxication on Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Conduct Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to Answer Truthfully. (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police, San Francisco Police Department.

Sergeant Burton J. Bishop appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence Wilson, Attorney at Law, appeared as Prosecutor for the Police Department.

The reading of the charges was waived.

Mr. Stephen Bruce Bley, Attorney at Law, entered, on behalf of his client, an oral plea of "nolo contendere" to Specification Nos. 1, 2, and 3.

The following witness appeared for the Prosecution, was sworn and testified:

Police Officer John F. Devine
Special Assistant to the Chief of Police

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 406-78

DECISION - HEARING OF SERGEANT BURTON J. BISHOP, PROPERTY CLERK SECTION

WHEREAS, on August 2, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Burton J. Bishop, Property Clerk Section, as follows:

SPECIFICATION NO. 1

a) That at all times mentioned herein, the accused, Burton J. Bishop, was the Officer in Charge of the Property Control Section of the San Francisco Police Department, located at the Hall of Justice, 850 Bryant Street, San Francisco;

b) That on or about Thursday, July 27, 1978 while on duty in the offices of the Property Control Section, the accused demonstrated conduct which resulted in a determination by his commanding officer that the accused was under the influence of intoxicating liquor, to wit;

The smell of alcohol on his person, facial discoloration, slurred speech, staggering when walking, and disorientation;

c) That the accused was administered a urinalysis test, the results of which indicated that the amount of alcohol in his body was at a level well above the level of legal intoxication in the State of California;

d) That because of the level of alcohol in his body the accused was unable to perform police duties in a calm, deliberate manner, and that this condition constitutes intoxication;

e) That by virtue of the above conduct and allegations, the accused did violate Rule 2.125 of the Rules and Procedures of the San Francisco Police Department; which states:

"2.125 - A member shall not, while on duty or in uniform, drink any kind of intoxicating liquor, or whether on or off duty, be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate and efficient manner."

SPECIFICATION NO. 2

a) That each and every allegation in paragraphs a, b, c, and d, of Specification No. 1 is incorporated herein by reference as if each were fully stated;

b) That on the above date, the accused was observed, by persons, knowing him to be a member of the San Francisco Police Department, in the vicinity of the Hall of Justice, while under the influece of intoxicating liquor;

c) That the observation of the accused in his intoxicated condition, by persons who were not sworn members of the San Francisco Police Department, did reflect discredit upon the San Francisco Police Department;

d) Because of the above stated activity, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department which is hereinafter quoted:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specificially defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 3

Count 1

a) That each and every allegation in paragraphs a, b, c, and d, of Specification No. 1 is incorporated herein by reference as if each were fully stated;

b) That the accused, when asked by a superior officer if he had been drinking, responded in the negative;

c) That because of the level of alcohol in his body, such response was untruthful;

d) That such conduct constituted a violation of Rule 2.49 of the Rules and Procedures of the San Francisco Police Department, which states:

"2.49 - A member shall when called upon by a superior officer, or by one specially assigned by lawful order to conduct an investigation involving police matters, or any matter affecting the conduct of a member or members, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 13, 1978 and that on Wednesday,

September 13, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that said charge made and filed against Sergeant Burton J. Bishop, Property Clerk Section, as contained in Specification No. 1, is sustained by the evidence presented at the hearing and that Sergeant Burton J. Bishop did violate Section 2.125 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that said charge made and filed against Sergeant Burton J. Bishop, Property Clerk Section, as contained in Specification No. 2, is sustained by the evidence presented at the hearing and that Sergeant Burton J. Bishop did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that said charge made and filed against Sergeant Burton J. Bishop, Property Clerk Section, as contained in Specification No. 3, is sustained by the evidence presented at the hearing and that Sergeant Burton J. Bishop did violate Section 2.49 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Sergeant Burton J. Bishop has violated Specification No.1, Section 2.125 of the Rules and Procedures of the San Francisco Police Department, and that for said violation Sergeant Burton J. Bishop be terminated as a San Francisco Police Officer. That the imposition of the sentence be suspended for a period of one year subject to the following terms and conditions:

1. Sergeant Burton J. Bishop shall attend meetings of the Police Department Alcohol Abuse Program as instructed and directed by John F. Devine, Special Assistant to the Chief of Police for a period of one year.

2. Sergeant Burton J. Bishop completely and totally abstain from the use and consumption of any alcoholic beverage for a period of one year.

3. Sergeant Burton J. Bishop take a test to determine sobriety at any time at the request of a superior officer.

4. That each day upon reporting for duty, Sergeant Bishop subject himself to an observation by a designated superior officer to ensure that he has not been

drinking an alcoholic beverage and is sober.

5. That Sergeant Bishop not have any alcoholic beverages in his home.

and be it further

RESOLVED, that it is the order of the Police Commission that after a period of one year, and provided Sergeant Burton J. Bishop has complied with the terms and conditions herein, the Commission upon its own motion, will vacate its order of termination; and be it further

RESOLVED, that it is the order of the Police Commission that Sergeant Burton J. Bishop has violated Specification No. 2, Section 2.13 and Specification No. 3, Section 2.49 of the Rules and Procedures of the San Francisco Police Department, and that for said violations Sergeant Burton J. Bishop shall be suspended for ninety (90) calendar days without pay commencing Friday, 28 July 1978 at 0001 hours and terminating on Wednesday, 25 October 1978 at 2400 hours.

Recess taken during the hearing of Sergeant Burton J. Bishop:

1945 hours to 1952 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 407-78

HEARING OF PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, the hearing of Patrol Special Officer Albert Robles, Central Police District was called; and

WHEREAS, it was requested by Patrol Special Officer Albert Robles, that the hearing before the Police Commission be continued for three weeks at which time it would be calendared for the setting of a date for said hearing; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Albert Robles, is set for Wednesday, October 4, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING OF MICHAEL ALLEN WINN, 1404(CETA) CLERK, PERSONNEL BUREAU

The hearing of Michael Allen Winn, 1404 Clerk, CETA, Personnel Bureau, was called, it having been set for this date. Clerk Michael Allen Winn was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Unlawful taking of money and property, dangerous weapon used. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police, San Francisco Police Department.

Clerk Michael Allen Winn, did not appear in person and was not represented by counsel.

Mr. Lawrence Wilson, Attorney at Law, appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

The following exhibit was entered into evidence by the Prosecution:

Probation Order of the Court, filed Sept. 13, 1978, showing Michael Allen Winn convicted of a felony, Section 245a PC (4 counts).

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 408-78

DECISION - MICHAEL ALLEN WINN, 1404 CLERK (CETA) PERSONNEL & TRAINING

WHEREAS, on March 17, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Clerk Michael Allen Winn, Personnel and Training, as follows:

SPECIFICATION NO. 1

a) That on or about Tuesday, March 7, 1978, in the early morning hours, the accused had occasion to be at or near the corner of Geneva and Mission Streets in San Francisco;

b) That at the time the accused and a companion did stop and pick up two persons in an automobile driven by the accused;

c) That the accused and his companion did drive the two persons to 201 Pope Street in San Francisco;

d) That upon arriving at the Pope Street address, the two persons were taken inside and money and property forcibly removed from their persons by the accused and his associates;

e) That the above actions were perpetrated with force and violence in that a straight razor was used to hold the two persons while their property was being taken.

f) That the accused did remove from the person or immediate presence of both victims their wallets and other personal property;

g) That after the accused and his companion had removed the above-described property, the victims were struck with a stick and beaten by the accused and his companion.

h) That by reason of said conduct, the

accused did engage in an act which is proscribed by public policy and laws and in so doing did engage in conduct which reflects discredit upon the San Francisco Police Department and which conduct did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department; hereinafter quoted:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 13, 1978 and that on Wednesday, September 13, 1978 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Clerk Michael Allen Winn, Personnel and Training, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Clerk Michael Allen Winn violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Clerk Michael Allen Winn has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department, and for said violation he shall be dismissed from the San Francisco Police Department; and be it further

RESOLVED, that said dismissal is effective Wednesday, September 13, 1978 at 2005 hours, be, and the same is hereby affirmed and approved.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 409-78

AUTHORIZING ATTENDANCE OF POLICE OFFICERS JACK BALLENTINE AND RAYMOND HILVERT, ACADEMY, AT THE LAW ENFORCEMENT AND THE MENTALLY DISORDERED SPONSORED BY MENTAL HEALTH ASSOCIATION IN CALIFORNIA, AT SACRAMENTO, CALIFORNIA, FROM SEPTEMBER 18,1978 TO SEPTEMBER 20, 1978,INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Jack Ballentine and Raymond Hilvert, Academy, be detailed to attend the Law Enforcement and The Mentally Disordered Conference, sponsored by Mental Health Association in California, at Sacramento, California, from September 18, 1978 to September 20, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Officers Ballentine and Hilvert in a sum not to exceed $92.10 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

The Commission adjourned its meeting at 2005 hours.

Sgt Gerald B. Naughton
ACTING SECRETARY

20 SEPTEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 20, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

DEC

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Traffic Item #6. Commissioner Siggins stated to Mr. Bradsheers that the Department has recommended denial of the white zone request in front of 2348 Polk Street, and that the Commission has sustained a denial of request for two other restaurants on that same block that were going to have valet parking.

Commissioner Ciani stated that there are a lot of restaurants there and parking is very difficult and if there are zones for some restaurants and no zones for other restaurants then it would seem a commercial advantage is being granted to one restaurant and denied to others and she thought the Commission should be careful about doing that if that is the effect of their action.

Mr. Bradsheers stated that the reason they would like a white zone is that since the A system went into effect it is very good for the people who live around there but it made parking increasingly worse for businesses. He stated that 75% of the people who dine in his restaurant drops someone off in front and then circle around for a half hour or 45 minutes looking for a parking place. He stated that the restaurant across the street does have valet parking and that it is a definite advantage to them. He said that there is a new system in the air to help alleviate part of the parking problem, which is a shuttle bus system, and that is another reason why he feels a white zone would be beneficial for the shuttle bus system, so there is a place to drop people off in front of the restaurant.

Commissioner Ciani asked if it was possible that there could be a shared white zone for any of these restaurants, or could a white zone be installed for two or three adjacent restaurants?

Commissioner Murphy acknowledged this concept, stated that if they didn't have valet parking and with the

shuttle bus system working it would seem that several restaurants could use it.

Officer Quaglia stated that there is a 40' white zone in front of the Alhambra Theater right now and this is between the restaurants.

Mr. Bradsheers stated that the theater has guards and they won't let anyone pull in there unless they are going to the theater.

Commissioner Ciani then asked if that situation were cleared up would that satisfy his needs?

Mr. Bradsheers stated that he would have to give that some thought.

Commissioner Murphy stated it would seem to her that the solution, because of the very tight parking situation, would be to request the Alhambra to open up their white zone and at least sue that for awhile and in the meantime go ahead and get the shuttle service in there as quickly as possible. She further advised him that then if he still needed the white zone, to come back to the Commission and it would be considered again.

Commissioner Ciani then suggested to put the matter over until Officer Quaglia could talk to the Alhambra Theater personnel, to try to get an agreement for as long as, or until the shuttle service is ready to go and then reassess the needs of all the restaurants on that block.

Officer Quaglia agreed and the matter was then continued for two weeks.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

3155 SCOTT STREET - HOTEL EDWARD -(Cont. from September 6, 1978 meeting)

a) At 3155 Scott Street, install a 44' green zone, to extend from 11' to 33' west of east property line.

2809 GOUGH STREET - SASSUOLO CERAMIC IMPORTS (Cont. from August 20,1978 meeting.)

a) At 2809 Gough Street, install a 22' green zone, to extend from 11' to 33' west of east property line.

APPROXIMATELY 397 WALNUT - CONSULATE OF THE REPUBLIC OF TUNISIA

a) At approximately 397 Walnut Street, install a 34' white zone, to extend from 15' to 49' north of south property line.

1205 POTRERO AVENUE - C. CARLETON ANTIQUES

a) At 1205 Potrero Avenue, install a 32' yellow zone, to extend from 28' south of 24th Street to 60' south.

1201 POTRERO AVENUE - C. CARLETON ANTIQUES

a) At 1201 Potrero Avenue, install a 32' green zone, to extend from 6' south of 24th Street to 28' south.

843 POLK STREET - POLK ST. AUTOMOTIVE SERVICE, INC.

a) At 843 Polk Street, install a 22' yellow zone, to extend from 15' to 37' north of south property line.

b) Remove meter POLK 823.

302-6th AVENUE - FREE GARDEN CO.

a) At 302-6th Avenue, install a 22' yellow zone, to extend from 22' to 44' south of north property line.

2348 POLK STREET - THE BUTCHER SHOP -(CONTINUED FOR TWO (2) WEEKS.)

1916 MC ALLISTER STREET - LAUNDRY MAT

a) At 1916 McAllister Street, revoke 24' green zone, extending from east property line 24' west of same.

119 SACRAMENTO STREET - ESQUIN IMPORTS

a) At 119 Sacramento Street, revoke existing 26' yellow zone, extending from 87' to 113' west of Drumm Street.

1333-18th AVENUE - JEFFERSON SCHOOL

a) At 1333-18th Avenue, revoke existing 150' white zone, extending from 54' to 204' north of south property line.

191-8th STREET - S.F. REHABILITATION WORKSHOP

a) At 191-8th Street, install a 26' blue zone, extending from 16' to 42' north of south property line.

b) Revoke existing 26' white zone.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 226 feet of green, yellow and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 439-78

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $4,000.00 charging same to Firm No. 355081 2010 133 01 as an advance on the Police Contingent Fund for the month of August, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 410-78

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $6,000.00 charging same to Firm No. 355081 2010 132 01 as an advance on the Police Narcotic Fund for the month of August, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 411-78

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF CLEMENT D. DE AMICIS, AT THE CHIEF EXECUTIVE CRIMINAL INTELLIGENCE SEMINAR IN SAN DIEGO, CALIFORNIA, FROM SEPTEMBER 27, 1978 TO SEPTEMBER 29,1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Clement D. DeAmicis be detailed to attend the Chief Executive Criminal Intelligence Seminar in San Diego, California, from September 27, 1978 to September 29, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the exepenses incurred by Deputy Chief DeAmicis in a sum not to exceed $200 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 412-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER JOHN T. MURPHY, CRIME PREVENTION EDUCATION UNIT, AT THE CALIFORNIA CRIME PREVENTION INSTITUTE AT POMONA, CALIFORNIA, FROM OCTOBER 8, 1978 TO OCTOBER 20, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer John T. Murphy, Crime Prevention Education Unit, be detailed to attend the California Crime Prevention Institute at Pomona,

California, from October 8, 1978 to October 20, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Police Officer John T. Murphy, Crime Prevention Education Unit, in a sum not to exceed $800.20 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 413-78

AUTHORIZING ATTENDANCE OF SERGEANT ANTHONY D. RIBERA, PLANNING AND RESEARCH, AT THE WORKSHOP ON THE ALLOCATION AND DISTRIBUTION OF POLICE MANPOWER, AT SAN FRANCISCO, CALIFORNIA, FROM OCTOBER 23, 1978 TO OCTOBER 27, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Anthony D. Ribera, Planning and Research, be detailed to attend the Workshop on the Allocation and Distribution of Police Manpower, at San Francisco, California, from October 23, 1978 to October 27, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED,that the expenses incurred by Sergeant Ribera, Planning and Research, in a sum not to exceed $315.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 414-78

AUTHORIZING ATTENDANCE OF SERGEANT DAVID WINN AND POLICE OFFICERS DAVID BOWMAN, WILLIAM TAYLOR, STEVEN HANSEN, RAYMOND PORTUE, WILLIAM TRANER, GLENN PENNEBAKER, JOHN GLEESON, JAMES CHASE, AT THE ADVANCED SPECIAL WEAPONS AND TACTICS TRAINING COURSE AT FORT ORD, MONTEREY, CALIFORNIA, FROM OCTOBER 12, 1978 TO OCTOBER 13, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant David Winn and Police Officers David Bowman, William Taylor, Steven Hansen, Raymond Portue, William Traner, Glenn Pennebaker, John Gleeson and James Chase, be detailed to attend the Advanced Special Weapons and Tactics Training

Course, at Fort Ord, Monterey, California, from October 21, 1978 to October 13, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Sergeant David Winn and Police Officers Bowman, Taylor, Hansen, Portue, Traner, Pennebaker, Gleeson and Chase, in a sum not to exceed $101.25 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 415-78

AUTHORIZING ATTENDANCE OF INSPECTOR ALBAN WEATHERMAN, INVESTIGATIONS (AUTO SECTION) AT THE AUTO THEFT INVESTIGATORS' TRAINING WORKSHOP AT MONTEREY, CALIFORNIA, FROM SEPTEMBER 21, 1978 TO SEPTEMBER 22, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector Alban Weatherman, Investigations (Auto Section), be detailed to attend the Auto Theft Investigators' Training Workshop, at Monterey, California, from September 21, 1978 to September 22, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Inspector Weatherman, Investigations (Auto Section), in a sum not to exceed $152.50 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 416-78

AUTHORIZING ATTENDANCE OF SERGEANT VICTOR WODE, POLICE RANGE, AT A FIREARMS INSTRUCTOR COURSE, AT PITTSBURG, CALIFORNIA, FROM OCTOBER 23, 1978 TO NOVEMBER 3, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Victor Wode, Police Range, be detailed to attend a Firearms Instructor Course at Pittsburg, California, from October 23, 1978 to November 3, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Sergeant Victor Wode, Police Range, in a sum not to exceed $58.50 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 417-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER DAVID ALEX, PERSONNEL AND TRAINING, AT THE HOSTAGE NEGOTIATION SEMINAR AT THE NATIONAL ACADEMY AT QUANTICO, VIRGINIA, FROM SEPTEMBER 24, 1978 TO SEPTEMBER 30, 1978, INCLUSIVE

RESOLVED, that the recommendation of the Chief of Police that Police Officer David Alex, Personnel and Training, be detailed to attend the Hostage Negotiation Seminar at the National Academy at Quantico, Virginia, from September 24, 1978 to September 30, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Police Officer Alex, Personnel and Training, will be paid by the Federal Bureau of Investigation.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 418-78

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING, AT THE TRAINING COMMITTEE MEETING OF CALIFORNIA PEACE OFFICERS' ASSOCIATION IN RIVERSIDE, CALIFORNIA, ON SEPTEMBER 22, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard D. Klapp, Personnel and Training, be detailed to attend the Training Committee Meeting of California Peace Officers' Association in Riverside, California on September 22, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Lieutenant Richard D. Klapp, Personnel and Training, in a sum not to exceed $69.00 will be defrayed

by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Inspector Albert L. Podesta, Inspectors Bureau, for service, effective July 19, 1978.

b) Police Officer Raymond P. Osuna, Traffic Bureau, for service, effective July 19, 1978.

The communications were ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

There was no weekly sick report presented to the Police Commission at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Two items tonight, Mr. President and members of the Commission. One, we have given you copies of the Monthly Crime Summary of serious offenses for August this year, compared to August last year and what is reflected comparing August this year to last, is an approximate 5% decrease in serious crime, although there were increases in robbery, larceny, particularly, then for year to date January through August this year compared to last, there is an approximate 3% decrease in serious crime. Are there any questions of that?"

Commissioner Ciani: "I noted in the paper it was reported that San Francisco ranks sixth in the nation as far as F.B.I. crime statistics are concerned. Is that crime rate or is that just a bulk figure?"

Chief Gain: "I did not read it."

Commissioner Murphy: "Rank sixth in what?"

Commissioner Ciani: "Ranks sixth as far as the amount of crime I think it was not a rate, but just a bulk figure."

Chief Gain: "All serious crime? It was probably based upon just numbers....numbers of reported crimes per hundred thousand population."

Commissioner Murphy: "But having the most crimes or the least crimes?"

Chief Gain: "I did not read it, the Commissioner said that San Francisco ranked number six, so there were others who had more crimes..."

Commissioner Ciani: "I just thought that you might have the statistics from which that news report was taken."

Chief Gain: "Well, what that would have been is the F.B.I. issued a report for crime in the United States for the first six months of this year compared to last, which demonstrated nationally a slight decrease in crime nationally...."

Commissioner Ciani: "It stated 2% overall."

Chief Gain: "Although interesting in California for the first six months of this year there has been an increase overall in crime in California, as I recall something like 5% for some cities, we are experiencing a decrease of course."

Commissioner Ciani: "Well, if you do see those figures, perhaps you could put them in perspective by indicating what that shows as compared to last year."

Chief Gain: "I will dig them up, particularly if we are number six and not number one.

The second item I would like to comment upon is the Civil Grand Jury Report for last fiscal year, and I will get to the Commission the complete copies of that report as soon as we can, what I had done was photo-copies made for you of the two pages that relate to the Police Department. And I would like to comment that the Grand Jury makes allegations of racism which it does not support and can not support. It states for example, in the report that charges of blatant racism in the department among the ranks have been made there are many

incidents to back up these charges. Now, as we know there has only been one incident, and that was Southeast Station in August of 1977, where some material was placed on the bulletin boards at the station, in fact, which were racist. We never did ....or could hold anyone to account because we could not identify the individuals, but the Grand Jury, I think, was unfair, definitely, in these allegations because they can not support those statements. In fact, they called for a thorough investigation by the Internal Affairs Bureau to apprehend the perpetrators of these actions. And we have no cause whatever now for investigation into these alleged matters, so they were grossly inaccurate in that statement. They also state in regard to the crime lab, each Grand Jury for several years now have commented upon the Crime Lab, that improvements have been made but, they state that they foresee problems as regards physical space limitations because of the addition of 20 personnel as Field Evidence Technicians. The Field Evidence Technician Program will not result in space need in the Crime Lab because these personnel are street assigned personnel, so I think they demonstrate a little misunderstanding of the function, but we should, of course, take exception to the grossly, inaccurate statement of the Grand Jury racism in the department. End of my report, Mr. President."

Commissioner Siggins: "Well, the Grand Jury commends the police department for their overall fine protection of the city and, yes I do agree. I think we have to accept that portion of the report."

Chief Gain: "We commend the Grand Jury for their accurate observations."

Commissioner Murphy: "Can I ask a question, Mr. Chairman?"

Commissioner Siggins: "Yes."

Commissioner Murphy: "I am interested in Supervisor Molinari's complaint in the press about double-parked trucks. You were quoted as saying 'that we have an all out atack on getting the double-parked trucks and cars off the streets.' Then Molinari said nothing is happening now, and he is going to talk to the Police Commission about doing something about it. Today I went three blocks down Washington Street, two blocks down Fillmore and went up Sacramento and I saw five huge double-parked trucks...almost one to a block. Do we have a special sort of order out on them?"

Chief Gain: "Yes, we cite double-parked trucks, the current historical problem in San Francisco as we know is simply not enough parking spaces. When it comes to double-parked trucks under State Law, they are permitted to park more than 18 inches from the curb, which means

double-parking, to actually load or unload. Now we must permit that, if we don't, you are going to stop commerce within the city. So we do cite and what we have instructed our personnel to do, and they are doing it,is to observe trucks and if, in fact, they are not actively engaged or if they can find a space to park in yellow zones, to park in those spaces, but we have to be realistic, we are in a campaign and we talked about that but we are not going to eliminate the problem of double-parked trucks in San Francisco, they are always going to be here, unless, and it's probably not even reasonable, the city were to adopt an ordinance requiring loading and unloading of these commercial vehicles between midnight and 6 o'clock in the morning, in order to rid them from daytime street usage. So. yes, we do cite and we cite them in great numbers, but the law does permit double-parking by trucks for the purpose of loading and unloading. I did not read the article that you referred to."

Commissioner Murphy: "Well, it was on T.V. too, I think...."

Chief Gain: "Today?"

Commissioner Murphy: "Yesterday, I think last night. The other thing is, are meter personnel, non-sworn personnel allowed to give tickets to double-parked trucks? Does it have to be....."

Chief Gain: "They are the ones in the main who do it."

Commissioner Murphy: "They do?"

Chief Gain: "Oh sure."

Commissioner Murphy: "They can also give tickets in the bus zones?"

Chief Gain: "Oh yes, they do. We are very concerned about the parking violations and we do constantly stress to our personnel to issue citations, but we can only do that which is realistic and if one supervisor feels we can do more, we are always willing to talk with him personally or have him come before the Commission. It might save some time now if the Commission wants to direct me to...we have already renewed,.....if now you want to tell me to re-double our efforts, we will do that and I will report back to you."

Commissioner Murphy: "I think he is going to ask us to do something about it, why don't we proceed before he does? I think the meter personnel should be more aggressive about giving tickets to double-parked trucks and cars."

Commissioner Sanchez: "Through the chair, if I might ask the Chief something about this copy we just received this evening here. Did the sub-task force on law enforcement of the Grand Jury sit down and meet with you and the deputies, or how was this carried out?"

Chief Gain: "They met with us at least once, I think it was, once last fiscal year and they come in and meet with us and we give them information and welcome them to go anywhere within the department and then they usually do as individuals or as a group of three, they talk to various personnel, they visit places and usually they use as their springboard from previous year's Grand Jury Report and they follow it up to see what action we have taken in regard to the problems identified in previous reports."

Commissioner Sanchez: "Pertaining to the Emergency 911, can you give us an idea of what the status is?"

Chief Gain: "Yes, the city will be submitting to the State by October 1, its plan for 911. That went before the board this week."

Commissioner Murphy: "Is that money still available?"

Chief Gain: "Well, the question is whether State money is going to be made available, the problem for several years has been is the State has not come up with the funding necessary to implement 911 in California Cities. And there has been talk of recent date on the state level again deferring funding. That's a basic problem because it is so costly to do it."

Commissioner Toler: "Or through the chair, as far as these charges that are being made by the Grand Jury for racism, where did they secure the information?"

Chief Gain: "My assumption is that the Grand Jury probably are referring here to the incidents at Southeast Station and because that is the only incident that I know of. And then probably basing upon conversations with various personnel as to their preceptions of whether there is or is not racism, because they talked to numbers of police officers. Unfortunately, they do not support their statements here. They refer to a newspaper, which sometimes, of course, is accurate."

Commissioner Siggins: "Well, I still feel that day in and day out most of those officers go around without any prejudices at all and do their job as even the report indicates here they leave their individual prejudices and egos at home. But once

in awhile one incident gets blown out and it's called blatant, and I have been checking into these things every time I've heard about them since I have been on the Commission, and most of the things are really misunderstandings and certainly things that are blown way out of proportion by the people that are making the charges."

Chief Gain: "Well, they make one statement here, it has been said by some officer that middle and upper level management personnel have been lax in their responsibility to encourage officers to be fair and discourage cultural harassment to citizens. That is an unfair thing to make, some officers, and there is no documentation to support that, so certainly there may be isolated incidents but, nothing to the extent to warrant that much coverage by the Grand Jury in such positive statements by the Grand Jury, because they can't support it."

Commissioner Siggins: "I think I can speak for my fellow members of the Commission, if they have any information we would like to have it."

Commissioner Ciani: "Well, I have the same question in my mind, whether it is appropriate to ask them to give us information."

Chief Gain: "Well, under the law, we have to respond to this report within a given period of time and we will be doing that as we do every year and then we can inquire. We can take exception to what they state and we can ask for information. Unfortunately, this Grand Jury now is over and we have already met with the new one, so we probably will never get an answer, but we will take exception, they wrote a page and a half, and we will write five. Just by weight alone, by volume we will overcome them."

Commissioner Murphy: "I think also we ought to point out that the fact that we have a low number of minority sergeants is partially responsible for the racial friction in the department; after all we have not been able to hire more minority sergeants, I think that should be stressed, this is a matter of being precluded from doing it, actually."

Chief Gain: "Yes, we will."

Commissioner Siggins: "Okay, anything further, Chief?"

Chief Gain: "No sir."

MATTER OF PATROL SPECIAL BEAT #46 RE: CLAIM OF MRS ERMA JEWETT,TO BE REPRESENTED BY ATTORNEY JERRY E. BERG. (CONTINUED FROM THE MEETING OF AUGUST 30,1978) CONTINUED TO NOVEMBER 1, 1978

David Roche: "Mr. Commissioner, after reviewing the files and the documents on this matter, I find that I have a conflict in the case and I have to withdraw as representing Mr. Torres. In behalf of Mr. Torres then I would request that this matter be continued for two weeks, in order to allow Mr. Torres to secure other counsel."

Commissioner Siggins: "Is that what he wants to do to?"

David Roche: "Yes."

Commissioner Siggins: "Did you hear about this before Mr. Berg?"

Jerry Berg: "No, I was told just as I came into the room. We are ready to proceed."

Commissioner Siggins: "Well, is Mrs. Jewett here?"

Jerry Berg: "Yes,she is here."

Commissioner Siggins: "I have reviewed all of the material myself and we can continue it if you want, but it seems to me that when Mr. Jewett left San Francisco, he owed Mr. Torres some money...back wages and so forth, and that he gave to him a Power of Attorney in effect tried to sell that beat to Mr. Torres, and then it was never completed before the Commission. But I think he gave up any rights or interest that he had at that time."

Commissioner Murphy: "You mean Mr. Jewett did?"

Commissioner Siggins: "Mr. Jewett did, yes, and to me it seems to me it is gone as far as an ex-wife is concerned."

Jerry Berg: "Well, I have a lot of arguments to counter that. I will either make them tonight or when Mr. Torres is represented by counsel."

Commissioner Siggins: "Well, that would be the questions I have, do you want to put it over? Are there any particular times that we are not going to have a quorum? There were some indications here. You are

going to be gone Jane when?"

Commissioner Murphy: "I do not leave until... I will not be here for the second Wednesday in October. Then I will not be here until the first of November."

Jerry Berg: "I will be unable to attend on October 4, I could next week or any week thereafter."

Commissioner Siggins: "Well, how long is it going to take, Mr. Roche?"

David Roche: "I would suggest Mr. Siggins, that it would take a new attorney about two weeks to familiarize himself with the case."

Commissioner Sanchez: "Can I ask. If perhaps the Commission has reviewed all materials which has been forwarded to us by our Legal counsel, and the department or whatever, I personally hate to see more added expense on behalf of both parties, you know, as far as coming down here, attorney fees, not that I am against attorneys, but, if by chance, there is some way we can resolve this this evening, and still understand, we can't do that?"

David Roche: "No, I am sorry because any decision you'd make tonight would be subject to collateral attack and I am sure it would be, in other words it would almost be a nullity, any decision you made tonight."

Commissioner Siggins: "This is...that once again we are taking more advice from David Roche. (To Commissioner Sanchez) This is the Dave Roche we have been reading about."

Jerry Berg: "I have some storng arguments and support that the beat was not abandoned. I would like to make them, and I think it is only fair to Mr. Torres to have the benefit of counsel while I make those."

Commissioner Siggins: "Fine, Okay. Well then, we want to accommodate everybody, but what is the best time?"

Jerry Berg: "I am free any Wednesday other than two weeks from now."

Commissioner Siggins: "What would you like to have?"

Jerry Berg: "Commissioner Murphy is going to be away during the month of October?"

Commissioner Murphy: "Except for the 4th, I will be here."

Commissioner Siggins: "I will be away for the next four Wednesdays."

Jerry Berg: "Could we do it upon your return, upon the return of both of you? Would that be November 1st, that falls on a Wednesday?"

Commissioner Murphy: "That would be it, yes."

Commissioner Sanchez: "November 1st?"

Commissioner Siggins to Commissioner Murphy: "You are going to be here November 1st?"

Commissioner Murphy: "Yes."

Commissioner Siggins: "Okay, put it over to November 1st."

The matter was then continued until November 1, 1978.

RECEIPT OF PROPOSED DEPARTMENT GENERAL ORDER ESTABLISHING THE PROCEDURES RELATED TO ASSAULTS ON POLICE OFFICERS (CONTINUED FROM THE MEETING OF AUGUST 30, 1978)

Commissioner Siggins stated that for the record it was established that this proposed General Order has been circulated to the Employee Organizations and time has passed without receiving notification of any objections. He further stated that absent any objections means their approval.

RESOLUTION NO. 419-78

DEPARTMENTAL GENERAL ORDER, ASSAULTS ON POLICE OFFICERS - APPROVED

RESOLVED, that the Police Commission hereby

approve and adopt the procedures related to assaults on police officers.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECEIPT OF PROPOSED DEPARTMENT GENERAL ORDER ESTABLISHING EMERGENCY (CODE 3) DRIVING REGULATION AND PROCEDURES. (COPIES SENT TO EMPLOYEE ORGANIZATIONS) (CONTINUED FROM THE MEETING OF SEPTEMBER 6, 1978) - CONTINUED FOR THREE (3) WEEKS.

Chief Gain: "Mr. President, I request this be continued for three weeks. We were going to meet with the POA representatives and others, but for various reasons, we have not been, as yet, able to do so."

The matter was then put over for three (3) weeks.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO 420-78

HEARING OF STATION OFFICER THOMAS O'BRIEN, RICHMOND POLICE STATION.

WHEREAS, the hearing of Station Officer Thomas O'Brien, Richmond Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Joseph A. Desmond, Attorney at Law, who is representing Station Officer Thomas O'Brien, has requested that a date for the hearing be set after the criminal proceedings have been disposed of in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Station Officer Thomas O'Brien, is set for Wednesday, November 8, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

POLICE COMMISSION CORRESPONDENCE

Letter from Department of Public Works, regarding parking of Police Vehicles.

Chief Gain: "This has gone to the Board of Supervisors and they have approved it."

Request for hearing from Mr. Maxie Garcia owner of Jitney Bus #18 to increase his Jitney Bus capacity from 12 to 15 Passengers.

Commissioner Siggins: "Let's put this matter on the calendar. What we have done in the past is granted these persons and increase in passenger capacity for trial periods up to 18 months after proof of insurance and inspection by the department of the permittees vehicles."

Letter from Mr. Randy Alfred who is not satisfied with the "NON SUSTAINED" finding in his Internal Affairs Bureau Complaint.

Chief Gain: "This letter is being checked into now and a response is being prepared by IAB."

He stated also that the form letter used to answer some of these complaints would be checked, for a form letter may be used that isn't applicable to a particular case.

Letter from Louis C. Langston of Senior Citizens Coalition inviting you to attend a "CELEBRATION FESTIVAL" welcoming the Senior Escort Program on September 18, 1978.

Because of the lateness of receipt of this invitation the Commissioners were unable to respond. Commissioner Murphy asked that upon receipt of mail such as this a telephone call should be made to ask if the Commissioners are interested in going.

Letter from Mr. David Johnston, Los Angeles Times staff writer, stating that he never filed any complaint with the San Francisco Police Department. He would appreciate a speedy written reply. (I.A.B. Case No. 152-78 was accepted by Inspector Morrow.....Excerpt that file attached)

Commissioner Siggins prepared response to this party and copies have been appropriately distributed.

Complaint of Warren Franklin of poor response time to a call for service. (Referred to I.A.B.)

This one also was answered and referred to IAB.

Commissioner Sanchez: "Through the Chair if I might, I just entertained a thought here. If perhaps we could just write a well done to Sergeant McNaughton who served in the absence of Lieutenant Frazier during his vacation, well needed vacation, for a job well done, which he did extremely well given the time frame and pressures. At the same time we would also like to welcome back Lieutenant Frazier. Perhaps we could do this as a motion or whatever form, if you want to put it in his jacket or jackets, whatever I would so move that we do this."

Chief Gain: "Sergeant, write a letter for President Siggins signature. I might relate to you that Sergeant Mcnaughton is now my Administrative Aide as of today. It puts the Lieutenant out for other duties and the Sergeant did such a good job in there that....."

Commissioner Siggins: "He's replacing Lieutenant Macia?"

Chief Gain: "Yes, Lieutenant Macia, I transferred him to head up the Youth Services Division so Sergeant McNaughton is replacing him. Then if he is a Sergeant today and a Lieutenant tomorrow, then Sergeant Mcnaughton can just walk down the hall a little ways. Seriously though, I think that the Commission did conclude, did it not, that should it pass that Sergeant Frazier becomes a temporary Lieutenant, which would be for a considerable period of time, that the Commission would like to retain him in the office, is that right?"

Commissioner Sanchez: "Yes."

Commissioner Murphy: "I really think this job deserves a Lieutenant."

Chief Gain: "Fine, if that's what the Commission wishes, then we will accommodate him when that time comes."

Commissioner Sanchez: "It deserves a Lieutenant or else a psychiatrist, perhaps, working with five individuals like we are."

Chief Gain: "I want you to know that the Sergeant never said anything to that point, he always makes very complimentary comments about the Commission which shows infinite wisdom."

Commissioner Murphy: "It sure does. I would like to move that we adjourn in the memory of Officer Michael J. Morello."

POLICE OFFICER MICHAEL J. MORELLO - IN MEMORIUM

A communication was received from Chief of Police Charles R. Gain officially notifying the Police Commission of the death of Police Officer Michael J. Morello, Ingleside Police Station, who died on Saturday, September 16, 1978.

The communication was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

The Commission then adjourned its meeting at 1837 hours in memory of Police Officer Michael J. Morello.

SECRETARY

27 SEPTEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 27, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler

ABSENT: Commissioner Siggins

Commissioner Murphy presiding.

Prior to calling item number 2 on the calendar, Mrs. Aysha Cecil who was attending the meeting arose from her seat and began to speak. She stated, that she wanted to register a complaint against Sergeant Franklin Greer who is assigned to the Internal Affairs Bureau.

Commissioner Murphy, acting president of the Commission in the absence of Commissioner Siggins, advised Mrs. Cecil to wait until after the meeting was over and she and Sergeant Bill Taylor from Internal Affairs would accept her complaint. Mrs. Cecil accepted this offer.

RECOMMENDATIONS OF THE TRAFFIC BUREAU -CONTINUED FOR ONE WEEK

Item #5 - 1248 Waller Street - Dudley Stone School.

Mr. William DeAvila appeared to speak in behalf of his request for a 22' blue zone at 1351 Haight Street. The Dudley Stone School.

Officer William Hardeman appeared on behalf of the Department and stated that the Traffic Survey Division recommended that it be denied.

Mr. De Avila who is handicapped and must use a wheelchair, stated that he contracted Multiple Sclerosis last year and had gone into retirement. He stated that the school asked him to return, which he did as it's Principal, but since he is confined to the wheelchair it is very difficult for him to get to the school without having access to the parking area that

he is requesting.

Officer Hardeman stated that the recommendation of denial was issued by the department because of the possibility of many individuals making a request for these special zones which would be used only for their own personal convenience.

Commissioner Murphy stated that when the Police Commission adopted the Blue Zones, it also adopted a policy as to why and where they would be placed.

The matter was then continued for 1 week to allow Officer Hardeman to look further into the matter as to policy and other possible alternatives on behalf of Mr. De Avila.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved.

111 VALLEJO STREET - MEDIAGROUP

a) At 111 Vallejo Street, install a 44' yellow zone, to extend from west building line 44' east of same.

110 CAPP STREET - OBECA/ARRIBA JUNTOS

a) At 110 Capp Street, install a 22' blue zone, to extend from 2' to 24' north of south property line.

1677 MISSION STREET - SAN FRANCISCO LUMBER CO.

a) At 1677 Mission Street, install a 20' red zone, between driveways at 1677 Mission Street.

b) Remove meter #1677.

1524 SILVER AVENUE - WHITE PALACE LIQUORS

a) At 1524 Silver Avenue, extend time limit of green zone from 6:00 P.M. to 9:00 P.M.

1350 SUTTER STREET - 1350 SUTTER APARTMENT

a) At 1350 Sutter Street, install a 20' white zone, to extend from 23' to 43' west of east property line.

877 VALENCIA STREET - S.F.P.D.

a) At 877 Valencia Street, revoke existing 25' yellow zone, extending north of the south line of the building.

1248 WALLER STREET - DUDLEY STONE SCHOOL

a) At 1248 Waller Street, revoke existing 176' white zone, extending from 17' to 193' west of Central.

2 CAPP STREET - MARSHALL ELEMENTARY SCHOOL

a) At 2 Capp Street, revoke existing 83' white zone, extending from 153' to 236' south of north property line.

b) At 2 Capp Street, revoke existing 44' white zone, extending from 34' to 78' south of north property line.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 350 feet of yellow and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 421-78

BARRY INSURANCE AGENCY (RUSSEL R. KRUG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barry Insurance Agency (Russel R. Krug) against the City and County of San Francisco in the sum of $161.50 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: July 27, 1978

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 422-78

PETER CANAAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Canaan against the City and County of San Francisco in the sum of $500.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: April 7, 1978

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 423-78

SUSAN M.KISSINGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan M. Kissinger against the City and County of San Francisco in the sum of $84.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1978

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 424-78

AUTHORIZING ATTENDANCE OF SERGEANT BILL R. TAYLOR, INTERNAL AFFAIRS BUREAU, AT THE POLYGRAPH TRAINING SEMINAR, AT SANTA CLARA, CALIFORNIA, FROM SEPTEMBER 29, 1978 TO OCTOBER 1, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Bill R. Taylor, Internal Affairs Bureau, be detailed to attend the Polygraph Training Seminar, at Santa Clara, California, from September 29, 1978 to October 1, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Sergeant Taylor, Internal Affairs Bureau, in a sum not to exceed $40.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Lieutenant Frank J. Surina, Property Clerk, for service, effective August 18, 1978.

b) Police Officer Robert L. Lenzio, Traffic-Administrative Office, for service, effective August 30, 1978.

The communications were ordered filed.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

WEEKLY SICK REPORT

No weekly sick report was presented to the Police Commission at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain stated that he had no report tonight, but was ready to answer any questions about any concerns the Commissioners might have.

Commissioner Ciani then asked the Chief about funding for the SF/SPCA animal control officers. She wanted to know if it was through the SPCA or by some other means?

Chief Gain stated that the city provides some $517,000 a year from the city's budget for the SPCA, and that there was a question as to whether there was an adequate return in services for that amount of money. He stated that the concern was in regard to enforcement of certain ordinances.

Commissioner Muprhy mentioned that at the close of the meeting she would have some questions on item #4, Status Report: Implementation of Peace Officer Standards and Training Management Survey of the Department.

RESOLUTION NO. 426-78

DATE TO BE SET FOR HEARING OF POLICE OFFICER WILLIAM J. BANAS, SOUTHEAST POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer William J. Banas, Southeast Police Station, was called; and

WHEREAS, it was requested by Mr. Lawrence Wilson, attorney from the Legal Office that the hearing of Police Officer William J. Banas before the Police Commission be set for Wednesday, October 4, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer William J. Banas, Southeast Police Station, is set for Wednesday, October 4, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

PERMISSION TO APPLY FOR AND ACCEPT A GRANT ENTITLED "PROPERTY CRIMES PREVENTION PROJECT."

Lieutenant Raymond Canepa was called upon by the Chief to give the Commission a brief overview of the aspects of this grant request. Because of the very nature of the proposed operation pertinent details were not delved into.

RESOLUTION NO. 425-78

APPROVING AND AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO UNDER APPLICABLE PROVISIONS OF THE CITY CHARTER, TO APPLY FOR, ACCEPT AND ADMINISTER A GRANT OF FUNDS FROM THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FOR A PROJECT ENTITLED "PROPERTY CRIMES PREVENTION PROJECT."

RESOLVED, that the Police Commission of the City and County of San Francisco does hereby approve and authorize the Chief of Police, under applicable provisions of the City Charter, to apply for, accept and administer a grant of funds from the Law Enforcement Assistance Administration, as follows:

$312,210.00 to continue the operations and further development of the Department's activities against property crimes.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

Commissioner Murphy at this time queried the Chief in regard to the Status Report of the POST Management Survey as to the department's response to some of the POST recommendations. She pointed out the response given to the recommendation on item #2 on page 8, regarding the Community Relations Unit, which recommended the transfer of this unit with others from the Chief's supervision to the Administration Bureau. The Department's response was that it was considered and rejected. The Chief stated that because of the unit's decentralization and dispersement to District Stations the POST recommendation was inappropriate. The Chief also explained, to the Commissioner's satisfaction, a few other questions she had regarding this report.

POLICE COMMISSION CORRESPONDENCE

Request from Western Costume Co., Hollywood, California, for updated Uniform information including photos, etc.

Acknowledged. Information forwarded as requested.

Letter from Richard Noftsger, First Vice President of San Francisco Council of Lions Club, to Richard Siggins, regarding the Fifteenth Annual Police & Fire Award Banquet.

Acknowledged.

Commissioner Sanchez expressed concern over the training given to the Institutional Security Police at the San Francisco General Hospital. He requested the Chief to give him a report on this matter at the Chief's earliest convenience.

The Commission adjourned its meeting at 1812 hours.

SECRETARY

4 OCTOBER 1978 REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 4, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler

ABSENT: Commissioner Siggins

Commissioner Murphy presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

1248 WALLER STREET - DUDLEY STONE SCHOOL -DENIED

1248 Waller Street was held over from last week's meeting, was called. After discussing the matter and attempting to arrive at some alternatives, it was decided that because of the terms of the Policy that the Commission had set, the request for a Blue Zone be denied, and that Mr. DeAvila would have to work with the School Department in an attempt to get adequate off-street parking. Commissioner Sanchez suggested that the Commission's Policy Statement regarding the granting of Blue Zones be sent to the Building and Grounds Committee of the Board of Education, who will investigate the Dudley Stone School facility to see if there is ample space to allow for official school parking.

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2348 POLK STREET - THE BUTCHER SHOP

a) At 2348 Polk Street, install a 20' white zone, extending from 8' to 28' south of north property line.

b) Remove parking meter POLK 2332.

2220 - 14th AVENUE - HERBERT HOOVER MIDDLE SCHOOL

a) At 2220 - 14th Avenue, install a 100' white school bus zone, extending from north property line 100' south of same.

1360 VAN DYKE - LATHERING & PLASTERING CO.

a) At 1360 Van Dyke, install a 22' yellow zone, to extend from 35' to 57' east of west property line.

599 VALLEJO STREET - BASTS PASTS

a) At 599 Vallejo Street, install a 22' white zone, to extend from 15' to 37' east of west property line.

4027 NORIEGA - 47th & NORIEGA MARKET

a) At 4027 Noriega, install a 30' green zone, to extend from 20' to 50' east of west property line.

b) Repaint existing Red zone at loading dock (20' red zone east of west property line)

1360 VAN DYKE - LATHING & PLASTERING CO. - DENIED

a) At 1360 Van Dyke, install a 22' green zone, extending from 57' to 79' east of west property line.

401 CORTLAND AVENUE - NOE-BERNAL GLASS

a) At 401 Cortland Avenue, install a 22' yellow zone, to extend from 22' east of west property line.

b) Remove meter #401.

2550 LAWTON STREET - LAWTON ELEMENTARY SCHOOL

a) At 2550 Lawton Street, install a 112' white zone, to extend from 12' to 124' west of east property line.

290-7th AVENUE - QUALITY FLOWER SHOP

a) At 290-7th Avenue, revoke existing 43' yellow zone, extending from 32' to 75' north of Clement Street.

1599 - 30th AVENUE - LAWTON ELEMENTARY SCHOOL

a) At 1599-30th Avenue, revoke existing 255' white zone, extending from 11' to 266' north of south property line.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 298 feet of yellow and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 427-78

SCOTT CARLTON KEISER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Carlton Keiser against the City and County of San Francisco in the sum of $97.30 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 18, 1978

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 428-78

AUTHORIZING ATTENDANCE OF SERGEANT EDWARD FOWLIE AND POLICE OFFICER GEORGE CIMA, CENTRAL STATION, POLICE OFFICER BRUCE CRAYTON, CRIME LABORATORY, POLICE OFFICER KENNETH HARTMAN AND POLICE OFFICER RENE LA PREVOTTE, CRIME SPECIFIC TASK FORCE, POLICE OFFICER RONALD MARTIN, PARK STATION, AT THE DIVER RESCUE WORKSHOP AT SANTA ROSA, CALIFORNIA, ON OCTOBER 7, 1978 AND OCTOBER 8, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Edward Fowlie and Police Officer George Cima, Central Police Station, Police Officer Bruce Crayton, Crime Laboratory, Police Officers Kenneth Hartman and Rene LaPrevotte, Crime Specific Task Force, Police Officer Ronald Martin, Park Police Station, be detailed to attend the Diver Rescue Workshop at Santa Rosa, California, on October 7, 1978 and October 8, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Sergeant Fowlie and Officer George Cima, Central Station, Officer Crayton, Crime Laboratory, Officers Hartman and LaPrevotte, Crime Specific Task Force, and Police Officer Martin, Park Station, will be paid by the members enrolled.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 429-78

AUTHORIZING ATTENDANCE OF INSPECTOR KENNETH R. MOSES, SUPPORT SERVICES (CRIME LABORATORY), AT THE NATIONAL INSTITUTE FOR POLICE LABORATORY DEVELOPMENT, AT THE NATIONAL ACADEMY, QUANTICO, VIRGINIA, FROM OCTOBER 15, 1978 TO OCTOBER 19, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector Kenneth R. Moses, Support Services (Crime Laboratory) be detailed to attend the National Institute for Police Laboratory Development at the National Academy, Quantico, Virginia, from October 15, 1978 to October 19, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses will be paid by the Federal Bureau of Investigation.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 430-78

AUTHORIZING ATTENDANCE OF SERGEANT JAMES B. HALL, NORTHERN POLICE STATION, AND POLICE OFFICER EDGAR SPRINGER, MISSION POLICE STATION, AT THE FIREARMS INSTRUCTOR COURSE AT PITTSBURG, CALIFORNIA, FROM OCTOBER 23, 1978 TO NOVEMBER 4, 1978, INCLUSIVE

RESOLVED, that the recommendation of the Chief of Police that Sergeant James B. Hall, Northern Police Station, and Police Officer Edgar Springer, Mission Police Station, be detailed to attend the Firearms Instructor Course at Pittsburg, California, from October 23, 1978 to November 4, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Sergeant Hall, Northern Station, and Officer Springer, Mission Station, in a sum not to exceed $80.00 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 431-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER DOROTHY JORGENSEN, CRIME SPECIFIC TASK FORCE, (S.C.U.), AT THE TRAINING SEMINAR FOR WOMEN POLICE AND OTHERS IN LAW ENFORCEMENT AT ST. PAUL, MINNESOTA, FROM OCTOBER 8, 1978 TO OCTOBER 13, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Dorothy Jorgensen, Crime Specific Task Force, (S.C.U.), be detailed to attend the Training Seminar for Women Police and Others in Law Enforcement at St. Paul, Minnesota, from October 8, 1978 to October 13, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Police Officer Dorothy Jorgensen, Crime Specific Task Force (S.C.U.), in a sum not to exceed $508.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 432-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Lieutenant Richard D. Klapp) Personnel & Training)	$69.00	(At the Training (Committee Meeting (of California Peace (Officers' Association (in Riverside, Calif- (ornia, on September (22, 1978, inclusive.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 433-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Lieutenant Arthur O'Keefe) Crime Specific Task Force)	$810.00	(At the Advanced Special (Weapons and Tactics (Training Course, at (Fort Ord, Monterey, (California, from (September 19, 1978 (to September 20, 1978, (inclusive.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 434-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher

submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Sergeant Michael S. Hebel) Personnel & Training)	$738.40	(At the Training (Management Course (at South San Fran- (cisco, California, (from September 10, (1978 to September (22, 1978, inclusive.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 435-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Inspector Alban L. Weatherman) Investigations Bureau)	$152.50	(At the Auto Theft (Training Workshop (at Monterey, Calif- (ornia, from Septem- (ber 21, 1978 to (September 22, 1978, (inclusive.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 436-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Police Officer Roger E. Foge Personnel & Training	$964.00	(At the Armorer's (Training School (at Springfield, (Massachusetts, from (August 28, 1978 to (September 8, 1978, (inclusive.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 437-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved:

Police Officer Raymond L. Hilvert Acadmey Police Officer John Ballentine Academy	$92.10 each	(At the Law Enforce- (ment and the Mentally (Disordered from Septem- (ber 18, 1978 to Septem- (ber 20, 1978, inclusive.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 438-78

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, AND SERGEANT MICHAEL S. HEBEL, PERSONNEL AND TRAINING, AT THE POST BASIC COURSE REVISION CONSORTIUM COMMITTEE WORKSHOP, AT SACRAMENTO, CALIFORNIA, ON NOVEMBER 2, 1978 AND NOVEMBER 3, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard D. Klapp and

Sergeant Michael S. Hebel, Personnel and Training, be detailed to attend the POST Basic Course Revision Consortium Committee Workshop at Sacramento, California, on November 2, 1978 and November 3, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Lieutenant Klapp and Sergeant Hebel, in a sum not to exceed $80.00 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Commissioner."

Commissioner Murphy: "Any questions? I have one. I would like to ask you, I was very interested in the report on rape and the ways showing where the rapes occurred. This map shows three incidences out in the Bay. Unless that is Treasure Island, or ships, how could they occur out there?"

Chief Gain: "Those are not ships out there. I didn't take note of that, I will have to look into it."

Commissioner Ciani: "On that subject, I noted a newspaper article about joggers being raped by men who pose as joggers. Was that article pursuant to a press release issued by the Department?"

Chief Gain: "I didn't see the article. Was that recently?"

Commissioner Ciani: "It was in yesterday's or today's paper."

Chief Gain: "Did it have reference to our Crime Prevention Division?"

Commissioner Ciani: "It referred to the Department, I don't know that it referred to that division, is

it likely that that was one of those bulletins that the Crime Prevention Division puts out?"

Chief Gain: "Yes, thank you."

Commissioner Murphy: "We have some correspondence from the San Francisco Society for the Prevention of Cruelty to Animals asking for a hearing. Would this be an appropriate time to set a time for that Chief?"

Chief Gain: "Certainly. At the pleasure of the Commission and other parties."

Commissioner Toler: "Should we contact them first before setting it?"

Chief Gain: "Well, they are here tonight."

Commissioner Murphy: "I know they are, at least I have met one of the gentlemen. They've asked for a hearing and we can't do it tonight, obviously, because it hasn't been posted, but I thought we could set a date."

Chief Gain: "At the pleasure of the Commission. When is the next open date, Sergeant?"

Sergeant Frazier: "Well, we are only going to have three Commissioners for the next three (3) weeks or so."

Commissioner Ciani: "Is there any action pending on the matter that they want heard so that there is a time pressure?"

Chief Gain: "Not that I know of. Could it be next week?"

Commissioner Ciani: "Is there a spokesperson from that group who wants to comment on when the hearing should be?"

Mr. Avanzino: "My name is Richard Avanzino, I am the Executive Vice President of the San Francisco SPCA, and at a time convenient to the Commission, we would like to ask for a hearing. There is no specific burden of a quick hearing, except that we would like to have the hearing as soon as possible so that we can have the matter aired that has been brought before you and have the record clarified as to what is, in fact, the facts of the situation."

Commissioner Ciani to Commissioner Murphy: "Well, if we don't have a heavy hearing schedule, we could do it sometime in the next few weeks, unless you want to be here."

Commissioner Murphy: "No, no I think it is up to the three of you who are here."

Chief Gain: "What's our schedule for next week?"

Sergeant Frazier: "Well, it is a very light schedule for next week."

Commissioner Murphy: "Maybe that would be appropriate then."

Chief Gain: "May I suggest next week, if that's agreeable, then it wouldn't be delayed."

Sergeant Frazier: "Well, we will set it for the 11th of October."

TRAINING EFFORTS - A STATUS REPORT

Commissioner Murphy: "Okay, the Training Efforts, who is making the status report on that?"

Chief Gain: "Yes, Commissioner, we merely gave you, in keeping with the practice of periodic status reports on matters that have been of concern, a status report in regards to training and the efforts we've undertaken since the Commission assumed Office in January 1976. In a nutshell, of course, what is demonstrated is we have undertaken, compared to previous periods of time before January of 1976, some pretty intensive efforts to train and educate. The Commission discussed in 1976 the need to improve Departmental Operations and we discussed more than one time that, basically, if we are going to improve operations then we have to identify training needs and provide appropriate training. So this merely reflects that we have fulfilled that committment and continue to do so, but that given long periods of time previous to 1976 where there was not adequate training, we still have a long, long way to go, but we are optimistic. As we indicate here, we are going to concentrate particularly upon the development of command and supervisory personnel. And one thing we are contemplating now, which we will discuss later with the Commission as we develop it, is to get into the Organizational Development Mode in the Police

Department perhaps by hiring an Organizational Development Specialist to work with our Command and Supervisory group on an individual basis to determine managerial training needs, and things of that nature, so that we can expedite the improvement of Personnel and Organizational problems and goals."

Commissioner Murphy: "I think you are to be greatly commended for the training efforts. They seem magnificent and long overdue."

Chief Gain: "Thank you."

Commissioner Ciani: "I had one specific question that was brought to mind by the notation that you had, what 13 assignments in child abuse investigation? Is the Department concentrating on that area?"

Chief Gain: "Very much so, in our Youth Services Division. Concentrating on Child Abuse problems in relationship with Community Groups, very much, and we will be giving you later reports on that. Just as, for example, we are concentrating more and more now on the battered wife problem and working with Community Groups on that. There is need, of course, for specialization. Just as we are also concentrating on Incest now as a crime and as a problem."

Commissioner Ciani: "I would be interested in seeing some kind of figures on how many arrests you are able to make in those areas. They have been pretty much undercover for a long time and really deserve some attention."

Chief Gain: "Alright."

Commissioner Murphy: "Thank you. Any other questions? Okay, next item."

RESOLUTION NO. 440-78

DATE TO BE SET FOR HEARING OF PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT.

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Albert Robles, Central Police District, was called; and

WHEREAS, the hearing before the Police Commission on charges filed against Patrol Special Officer

Albert Robles, Central Police District, will be scheduled to be heard on Wednesday, October 18, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Albert Robles, Central Police District, is set for Wednesday, October 18, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

HEARING OF POLICE OFFICER WILLIAM J. BANAS, SOUTHEAST POLICE STATION

The hearing of Police Officer William J. Banas, Southeast Police Station, was called, it having been set for this date. Police Officer William J. Banas was charged with violating the terms of his probation as follows:

> Pursuant to Police Commission Resolution No. 567-77 the Commission sustained two charges against Officer Banas for conduct arising out of his alcohol consumption. For one of these charges he was suspended for five (5) days, for the other, he was terminated as a member of the San Francisco Police Department, however the termination order was suspended for one year under the condition that he attend alcohol abuse meetings, as directed by the Special Assistant to the Chief of Police. The Special Assistant to the Chief reports that Officer Banas has failed to:
>
> 1.- Attend at least three Alcholics Anonymous meetings a week.
>
> 2.- Stay in contact with him either by phone or in person.
>
> 3.- Stay out of bars.

in a letter to the Commission from Charles R. Gain, Chief of Police.

Police Officer William J. Banas appeared

in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence Wilson, attorney, Legal Office, appeared as Prosecutor for the Police Department.

Opening statements were made by Mr. Wilson, Chief Gain and Mr. Bley.

The following witness appeared for the Prosecution, was sworn and testified:

Police Officer John F. Devine
Special Assistant to the Chief of Police

The following-named witnesses appeared for the Defense, were sworn and testified:

Mr. Andrew Banas
2647-23rd Avenue
San Francisco, California

Police Officer William J. Banas
Southeast Police Station

Captain Gerald D'Arcy
Commanding Officer
Southeast Police Station

A closing argument was then made by Mr. Stephen Bruce Bley, Attorney at Law.

A closing argument was then made by Charles R. Gain, Chief of Police.

The Commission took the matter under submission and then recessed from 1855 hours to 1934 hours, after which the following resolution was adopted:

RESOLUTION NO. 451-78

DECISION - HEARING OF POLICE OFFICER WILLIAM J. BANAS, SOUTHEAST POLICE STATION

WHEREAS, on August 31, 1978, Charles R. Gain, Chief of Police, submitted a letter to the Police Commission informing the Police Commission that Police Officer William J. Banas had failed to adhere to the probationary requirements given him at the Police Commission meeting of November 9, 1977, as follows:

That pursuant to Resolution No: 567-77 of November 9, 1977, the Police Commission sustained two charges against Officer William J. Banas for conduct arising out of his alcohol consumption.

That for one of these charges he was suspended for five (5) days, and for the other, he was terminated as a member of the San Francisco Police Department.

That the termination order was suspended for one year under the condition that Officer Banas attend alcohol abuse meetings, as directed by John F. Devine, Special Assistant to the Chief of Police, and that he abstain completely from alcohol.

That Officer Devine orally instructed Officer Banas:

1. To attend at least three Alcoholics Anonymous meetings a week.

2. To stay in contact with him either by phone or in person.

3. To stay out of bars and to abstain from all alcohol.

That Officer Devine brought to the Chief's attention that Officer Banas did not keep the conditions in that, since March or April he did not attend alcohol abuse meetings, began frequenting bars in the month of August, and did not remain in contact with Officer Devine; and

WHEREAS, the Chief requested that the Police Commission set a hearing to provide an opportunity for Officer Banas to show cause why the suspension of the imposition of penalty should not be lifted, and Officer Banas terminated pursuant to Resolution No. 567-77; and

WHEREAS, a hearing on this request was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, October 4, 1978, and that on Wednesday, October 4, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations of violating the terms under which the imposition of the sentence of termination was suspended

are sustained by the evidence presented at the hearing and that Police Officer William J. Banas has violated certain conditions of his probationary requirements as imposed upon him in Police Commission Resolution No. 567-77 of November 9, 1977; therefore be it

RESOLVED, that it is the finding of the Police Commission that Police Officer William J. Banas has violated certain conditions of his probationary requirements as imposed upon him in Police Commission Resolution No. 567-77 of November 9, 1977; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation, Police Officer William J. Banas be suspended for thirty (30) calendar days without pay, and given a six months extension of his probation during which the imposition of the sentence of termination is still in effect.

AYES: Commissioners Sanchez, Toler, Murphy
(Unanimous Aye Vote in sustaining charges)

NAYS: Commissioner Ciani (Penalty only)

ABSENT: Commissioner Siggins

Recess taken during the hearing of Police Officer William J. Banas:

1855 hours to 1934 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

HEARING OF POLICE OFFICER ROBERT C. MULRY, SUPPORT SERVICES-COMMUNICATIONS

The hearing of Police Officer Robert C. Mulry, Support Services-Communications, was called, it having been set for this date. Police Officer Robert C. Mulry was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Violation of Rule 2.36 (Physical Standards) of the Rules and Pro-

cedures of the San Francisco Police Department.

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Police Officer Robert C. Mulry appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence Wilson, Legal Office, appeared as Prosecutor for the Police Department.

The reading of the charges was waived.

Mr. Stephen Bruce Bley, after entering a guilty plea for Officer Mulry, and Mr. Lawrence Wilson upon concurrence with Chief of Police Charles R. Gain, stipulated to a proscribed penalty which they requested to the Commission to impose upon Officer Mulry.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 441-78

DECISION - HEARING OF POLICE OFFICER ROBERT C.MULRY, SUPPORT SERVICES-COMMUNICATIONS BUREAU

WHEREAS, on August 1, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Robert C. Mulry, Support Services-Communications Bureau, as follows:

SPECIFICATION NO. 1

a) That on or about July 7, 1978, the accused was weighed at the Police Gym of the San Francisco Police Department and registered an actual weight of 274 lbs;

b) The accused is 5' 11" tall;

c) That the police surgeon did not grant any waiver to the requirements of compliance with Rule 2.36;

d) That the accused was appointed to the San Francisco Police Department after March of 1970;

e) Because of the above stated weight, the accused did violate Rule 2.36 which reads in part as follows:

"Height Minimum Maximum 10% Allowance Over 40
5' 11" 152 198 218 201

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, October 4, 1978, and that on Wednesday, October 4, 1978 the matter was submitted to the Police Commission for decision; and

WHEREAS, Mr. Stephen Bruce Bley, and Mr. Lawrence Wilson, Defense and Prosecuting Attorneys, in concurrence with Chief of Police Charles R. Gain, stipulated to the following:

That Police Officer Robert C. Mulry be suspended for fifteen (15) calendar days without pay, and that the suspension is to commence upon his return to active duty from his disability leave period which will commence shortly to allow him to have another operation upon his injured knee. That in addition to the above, he is to report to the Police Commission, six (6) months from the day he returns from his disability leave for his knee operation, at a weight which conforms to the requirements of Rule 2.36 of the Rules and Procedures of the San Francisco Police Department;

therefore be it

RESOLVED, that it is the order of the Police Commission that the above proscribed penalty, entered into and agreed upon by Defense and Prosecuting Attorneys with concurrence of the Chief of Police, for imposition upon Police Officer Robert C. Mulry, Support Services-Communications Bureau, be, and the same is hereby approved.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. MaTaggart, C.S. R.)

AYES: Commissioners Ciani, Sanchez, Toler Murphy

NOT VOTING: Commissioner Siggins

HEARING OF POLICE OFFICER NICHOLAS MAHONEY, TARAVAL POLICE STATION

The hearing of Police Officer Nicholas Mahoney, Taraval Police Station, was called, it having been set for this date. Police Officer Nicholas Mahoney was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Intoxication Off Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 2

Refusal to Obey a Lawful Order, (Violation of Section 2.45 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Conduct Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Police Officer Nicholas Mahoney, appeared in person and was represented by Sergeant Michael Hebel, Attorney at Law.

Mr. Lawrence Wilson, Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

Sergeant Michael Hebel, Attorney at Law, entered, on behalf of his client, an oral plea of "guilty" to all Specifications as charged.

The following-named witness appeared for the Defense, was sworn and testified:

Police Officer John F. Devine
Special Assistant to the Chief of Police

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 442-78

DECISION - HEARING OF POLICE OFFICER NICHOLAS MAHONEY, TARAVAL POLICE STATION

WHEREAS, on August 30, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Nicholas Mahoney, Taraval Police Station, as follows:

SPECIFICATION NO. 1

a) That during the morning hours on Monday, August 21, 1978, one Mr. Joseph Andres observed a man attempting to gain entry to a vehicle parked at the curb at or in front of 471 Grand Avenue in South San Francisco;

b) That the manner in which this unknown man was attempting to gain entry to the parked vehicle near or in front of 471 Grand Avenue concerned Mr. Andres sufficiently that he called the South San Francisco Police Department to report the incident;

c) That at or about 0856 hours on Monday, August 21, 1978, the South San Francisco Police Department received a telephone report from Mr. Joseph Andres concerning a suspicious man attempting to gain entry into a vehicle parked at the curb near 473 Grand Avenue in South San Francisco;

d) That in response to the telephone complaint from Mr. Joseph Andres, the South San Francisco Police Department dispatched Officer Ricardo Amador, No. 34, to 473 Grand Avenue, South San Francisco, to investigate the incident;

e) That upon arriving at the scene of the incident Officer Amador located the suspect who was the subject of the complaint seated in a parked Ford Pinto Station Wagon bearing California license number 000 VLJ;

f) That subsequent investigation by Officer Amador revealed that the party seated in the parked vehicle bearing California license number 000 VLJ was an off-duty San Francisco Police Officer identified as Nicholas Mahoney, Star #1591, and hereinafter referred to as the "accused";

g) That after observing the actions and condition of the accused, Officer Amador conveyed him to the South San Francisco Police Department and detained said accused and caused notification to be made of the incident and condition of the accused to the San Francisco Police Department;

h) That as a result of the notification through official channels by the South San Francisco Police Department that they were detaining an intoxicated off-duty member of the San Francisco Police Department and which person was identified as the accused, Captain Edmund J. Cassidy, #1106, Officer Ralph Fleig, #599, and Officer John Devine, #554, responded to the South San Francisco Police Department where they confronted the accused;

i) That upon their arrival at the South San Francisco Police Department, Captain Cassidy, Officer Fleig and Officer Devine, observed the accused, his actions, speech and general physical condition which led them to conclude that he was under the influence of alcohol to the extent that he would be unable to perform police duties;

j) That by virtue of the above condition, the accused did violate Section 2.125 of the Rules and Procedures of the San Francisco Police Department which states;

"2.125 - Shall not, while on duty or in uniform, drink any kind of intoxicating liquor or whether on or off duty be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate and efficient manner."

SPECIFICATION NO. 2

a) That the allegations contained in

paragraphs (a) through (i) of Specification No. 1 are incorporated herein by reference as if fully set forth;

b) That while the subject of a detention by an officer of the South San Francisco Police Department and being held in a holding facility in the South San Francisco Police Department the accused was confronted by his Commanding Officer from the San Francisco Police Department, Captain Edmund J. Cassidy, #1106;

c) That after observing the accused in what appeared to be a very intoxicated condition, Captain Cassidy lawfully ordered him to submit to a sobriety test to determine the extent of his intoxication;

d) That after being given a lawful order by his Commanding Officer, the accused, in the presence of witnesses, refused to obey such orders;

e) That by virtue of refusal to obey a lawful order given to him by his Commanding Officer in the course of an official investigation, the accused did violate Section 2.45 of the Rules and Procedures of the San Francisco Police Department which states:

"2.45 - Shall strictly obey and promptly execute the lawful orders of his superior officers. In case of conflict of orders from superior officers, he shall respectfully call the attention of the superior officer giving the last order to such conflict, should the latter not change his order it shall be obeyed and the member shall not be held responsible for disobedience of any former order in obeying said last order."

SPECIFICATION NO. 3

a) That the allegations of paragraphs (a) through (j) of Specification No. 1 and the allegations of paragraphs (b) through (d) of Specification No. 2, are incorporated herein by reference as though each were fully set forth;

b) That the accused did engage in conduct which caused the attention of a private citizen to focus attention on him and which attention resulted in the calling of the police in South San Francisco;

c) That the intoxicated condition of the accused did require action to be taken by the South San Francisco Police Department to place him in custody and detain him until he could be safely released to persons who could provide for his safety;

d) That the intoxication and attendant physical condition of the accused required officers from the San Francisco Police Department to respond to South San Francisco Police Department and accept custody of the accused to care for his safety and health;

e) That by virtue of his condition and conduct as alleged in the specifications above, he did subvert the good order, efficiency and discipline of the San Francisco Police Department and reflected discredit thereon and by so doing, violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which states:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, October 4, 1978, and that on Wednesday, October 4, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that said charges made and filed against Police Officer Nicholas Mahoney, Taraval Police Station, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Police Officer Nicholas Mahoney did violate Section 2.125 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS,the Police Commission finds that said charges made and filed against Police Officer Nicholas Mahoney, Taraval Police Station, as contained in Specification No. 2, are sustained by the evidence presented at the hearing and that Police Officer Nicholas Mahoney did violate Section 2.45 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that said charges made and filed against Police Officer Nicholas Mahoney, Taraval Police Station, as contained in Sepcification No. 3, are sustained by the evidence presented at the hearing and that Police Officer Nicholas Mahoney did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Nicholas Mahoney has violated Specifciaton No. 1, Section 2.125, and Specification No. 3, Section 2.13 of the Rules and Procedures of the San Francisco Police Department, and that for said violations Police Officer Nicholas Mahoney be terminated effective Wednesday, October 4, 1978, as a San Francisco Police Officer, and that the imposition of the sentence be suspended for a period of one year subject to the following terms and conditions:

a. That Police Officer Nicholas Mahoney completely and toally abstain from the use and consumption of any alcoholic beverage for a period of one year. (October 4, 1978 through October 4, 1979)

b. That Police Officer Nicholas Mahoney attend meetings of the Police Department's Alcohol Abuse Program as instructed and directed in writing by the Special Assistant to the Chief of Police for a period of one year.

c. That Police Officer Nicholas Mahoney submit to a test to determine sobriety at any time at the request of an appropriate superior officer.

d. That Police Officer Nicholas Mahoney, as directed in writing by the Special

Assistant to the Chief of Police, contact the Special Assistant daily, by phone or otherwise, until such time he is directed in writing to refrain from doing so.

and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Nicholas Mahoney has violated Specification No. 2, Section 2.45 of the Rules and Procedures of the San Francisco Police Department, and that for said violation Police Officer Nicholas Mahoney shall be suspended for thirty (30) calendar days without pay, commencing the first day of his return to duty from his current sick leave status; and be it further

RESOLVED, that it is the order of the Police Commission that after a period of one year, (October 4, 1978 through October 4, 1979) and provided Police Officer Nicholas Mahoney has complied with the terms and conditions herein, the Commission, upon its own motion, will vacate its order of termination.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

SAN FRANCISCO SPCA REQUESTS DATE TO BE SET FOR PUBLIC HEARING REGARDING DUTIES AND RESPONSIBILITIES OF SAN FRANCISCO SPCA OFFICERS - CONTINUED TO OCTOBER 11, 1978

AYES: Commissioners Ciani, Sanchez, Toler, Murphy

NOT VOTING: Commissioner Siggins

The Commission adjourned its meeting at 2015 hours.

SECRETARY

11 OCTOBER 1978 EXECUTIVE SESSION

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, October 11, 1978 at 1700 hours in Executive Session.

PRESENT: Commissioners Ciani, Sanchez, Toler

ABSENT: Commissioners Murphy, Siggins

Commissioner Ciani presiding.

DEC 7 1978

1. Attorney/Client Conference.

11 OCTOBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 11, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Sanchez, Toler

ABSENT: Commissioners Murphy, Siggins

Commissioner Ciani presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2314-2316 POLK STREET - RUEBA POLK AND BLUE PARROTT

a) At 2314-2316 Polk Street, install a 28' white zone, to extend from 7' to 35' north of south property line.

b) Revoke existing 28' yellow zone, extending from 7' to 35' north of south property line.

2348 POLK STREET - THE BUTCHER SHOP - DENIED

a) At 2348 Polk Street, install a 20' white zone, to extend from 8' to 28' south of north property line.

b) Remove meter POLK 2332.

645 MONTGOMERY STREET - LAFAYETTE RESTAURANT -DENIED

a) At 645 Montgomery Street, install a 22' white zone, to extend from 20' to 42' south of Washington Street.

b) Revoke existing 22' yellow zone, extending from 20' to 42' south of Washington Street.

1036 HYDE STREET - CATHEDRAL SCHOOL SHOP -CONTINUED TO OCTOBER 18,1978

2350 JUDAH STREET - SUNSET LOCK AND VACUUM CO.

a) At 2300 Judah Street, install a 22' green zone, to extend from 22' west of east property line.

1716 SUTTER STREET - S.F. HEARING AND SPEECH CENTER

a) At 1716 Sutter Street, install a 22' white zone, to extend 22' west of east property line.

2220 SACRAMENTO STREET - THE MANSION HOTEL-CONTINUED TO DECEMBER 27, 1978

2332-42nd AVENUE - PHOEBE APPERSON HEARST SCHOOL

a) At 2332-42nd Avenue, revoke existing 75' white zone, extending 75' north of south property line-school bus zone.

2332-42nd AVENUE - PHOEBE APPERSON HEARST SCHOOL

a) At 2332-42nd Avenue, revoke existing 20' white zone, extending from 100' to 120' north of south property line.

2078-35th AVENUE - ROBERT LOUIS STEVENSON SCHOOL

a) At 2078-35th Avenue, revoke existing 100'

white zone, extending from 245' to 345' north of Quintara.

239 CLEMENT STREET - S.F.P.D.

a) At 239 Clement Street, revoke existing 39' yellow zone, extending from 60' to 99' east of 4th Avenue.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 284 feet and white and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 444-78

JOHN E. BRYAN AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of John E. Bryan and his attorney in the sum of $1,000.00 in Superior Court Action No. 724-981 entitled, "John E. Bryan v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 9, 1976

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 445-78

CALIFORNIA STATE AUTO ASSOCIATION (CLELIA GARCIA)

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of California State Auto Association (Clelia Garcia) against the City and County of San Francisco in the sum of $193.74 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: June 23, 1978

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 446-78

ALLSTATE INSURANCE COMPANY (GUILLERMO CASILLAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance Company (Guillermo Casillas) against the City and County of San Francisco in the sum of $116.69 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: June 1, 1978

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 447-78

KRISTINA R. YATES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kristina R. Yates against the City and County of San Francisco in the sum of $20.58 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1978

AYES: Commissioners Sanchez, Toler, Ciani.

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 448-78

ROBERT BRENDAN FORD

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Robert Brendan Ford against the City and County of San Francisco in the sum of $32.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1978

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

AUTHORIZING ATTENDANCE OF CHARLES R. GAIN, CHIEF OF POLICE AND LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING AT THE QUARTERLY MEETING OF THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) AT EUREKA, CALIFORNIA, ON OCTOBER 19, 1978 AND OCTOBER 20, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Charles R. Gain, Chief of Police, and Lieutenant Richard D. Klapp, Personnel and Training, be detailed to attend the quarterly meeting of the Commission on Peace Officer Standards and Training (POST) at Eureka, California, on October 19, 1978 and October 20, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Charles R. Gain, Chief of Police and Lieutenant Richard D. Klapp, Personnel and Training, in a sum not to exceed $141.86 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 449-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Lieutenant Frank M. Jordan) $120.00 (At the Crime
Crime Prevention Education Unit) (Prevention Officers'
(Annual Training
(Conference at
(Monterey, Calif-
(ornia, from Sep-
(tember 7,1978 to
(September 8, 1978,
(inclusive.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 452-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Police Officer Matthew Kriletich Crime Prevention Education Unit	$800.00	(At the California Crime Prevention Institute at Pomona, California, from September 10, 1978 to September 22, 1978, inclusive.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 453-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved:

Police Officer Raymond R. Portue Crime Specific Task Force Police Officer William L. Traner Crime Specific Task Force	$602.00 each	(At the Explosive Ordnance Disposal Refresher Training Course at Redstone Arsenal, Huntsville, Alabama, from August 27, 1978 to September 1, 1978, inclusive.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

WEEKLY SICK REPORT

No weekly sick report was presented to the Police Commission at this time.

RESOLUTION NO. 443-78

AUTHORIZING ATTENDANCE OF CAPTAIN JOSEPH M. FLYNN, SERGEANT RONALD JACKSON, POLICE OFFICERS ROBERT DEL TORRE, RICHARD HESSELROTH, RICHARD HOLDER, HENRY KIRK, MICHAEL MCELLIGOTT, JEREMIAH MORGAN, MARK POTTER, CRIMES SPECIFIC TASK FORCE, AT THE ADVANCED SPECIAL WEAPONS AND TACTICS TRAINING COURSE, AT FORT ORD, MONTEREY, CALIFORNIA, FROM OCTOBER 17, 1978 TO OCTOBER 18, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Captain Joseph M.Flynn, Sergeant Ronald Jackson, Police Officers Robert Del Torre, Richard Hesselroth, Richard Holder, Henry Kirk, Michael McElligott, Jeremiah Morgan, Mark Potter, Crimes Specific Task Force, be detailed to attend the Advanced Special Weapons and Tactics Training Course, at Fort Ord, Monterey, California, from October 17, 1978 to October 18, 1978, inclusive, be, and the smae is hereby approved; and be it further

RESOLVED, that the expenses incurred by Captain Flynn, Sergeant Jackson, Officers Robert Del Torre, Richard Hesselroth, Richard Holder, Henry Kirk, Michael McElligott, Jeremiah Morgan, Mark Potter, Crime Specific Task Force, in a sum not to exceed $101.25 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meetings of August 2, 1978, August 9, 1978, August 16, 1978, and August 23, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Commissioners, I delivered to you the preliminary report on serious crime comparing September of this year to September of last year, and then January to September of this year to last, there is a 3.1% increase in serious crime, and for year to date, January through September this year, compared to last, a 2.6% decrease in the volume of serious crime. And

I would like to comment on that 2.6% decrease. If the Commission will recall in about April of this year at which time we had something like a 7 to 12 percent decrease in crime compared to last year, we predicted then, and unfortunately it is coming to pass, that probably by July or August or September we would see our decrease in crime evaporating. Because simply our resources, and notwithstanding the commendable efforts of the community to take preventive crime action, we are going to bottom out, it seems, and be about even by the end of this month, or next, and we may well have, as we predicted last April based upon experience and forecasting at that time, we may have an increase in reported crime before the year is over, perhaps starting in November or December. That is what the picture seems...future holds for us now. In this regard I would like to relate to you that, as I think we related before, each week on Thursday afternoon we have a Crime Review Committee meeting which I chair, and to which we have come among our staff all those involved in serious crime problems. As a result of the meeting last week we have deployed more police officers to the more serious crime areas of the city. We will be meeting tomorrow and doing the same thing. So, in a word, we are going to do all we can by adopting techniques to prevent crimes from occurring, failing that, to make apprehensions, to try to not have an increase in reported crime for this year, but it is going to be difficult. So we are going to do all we can through the use of our resources informing the Community of problems and to try and have a decrease by the end of the year, but it doesn't look good at this point. A big factor in our ability to address serious crime and to respond to citizens request for police services is the extent to which we will acquire overtime funding, which we requested, extended work week funds, in order to have officers work overtime on a day by day basis. As the Commission will recall, our budget plan was to have 100 officers working each day on an overtime funded basis because of the shortage of police personnel and the fact that we are not going to be able to have a Civil Service exam. Now what has occurred, in fact, is we thought we had an explicit understanding with the Board of Supervisors at the last budget hearing we had that the some 1.8 million dollars that the Board wanted to have used to hire new police officers, we thought we had an agreement that we would make a good faith effort to come up with more of a training capability, and so on, so that we could hire additional officers if we overcame several problems, a new school site and whatever. We thought we had an understanding with the Board that while we were making that good faith effort that they would allow us to use overtime funds to place additional officers on the street. Now what has happened as a matter of fact, sometime ago as you recall the Police Commission at our request, submitted a Supplemental Budget for $400,000 in these overtime funds. That has been bottled up at the Finance Committee and there has been several meetings of the Finance Committee, one today, and they, for whatever various reasons, keep deferring it. So we have on

the streets instead of 100 additional officers per day, about 36 on the average, working overtime, and we are using overtime moneys now to the tune of about $200,000 dollars out of regular overtime funds to fund these officers. We are hoping that the Board will see the wisdom of giving us the $400,000 and then later on even more so we can increase the number of officers working overtime up to 100. If we can go from 36 to 75, for example, then we will be able to be more responsive to citizens routine request for police services, and, particularly, to get more officers so we can devote them to serious crime problems. We are hoping that the Finance Committee next week will stop deferring it because it is adversely affecting the crime problem and/or delivery of police services."

Commissioner Ciani: "Will you report to us next week whether there is any action in the Finance Committee?"

Chief Gain: "Yes Commissioner."

SALE OF PATROL SPECIAL BEAT #83 - CONTINUED FOR ONE (1) WEEK

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

SALE OF PATROL SPECIAL BEAT #34 - CONTINUED FOR ONE (1) WEEK

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

PUBLIC HEARING, RE: SPCA.

Chief Gain: "Commissioners, if I may, I would like to make a statement in regards to this agenda item. I have given to you, and also to Mr. Avanzino, a copy of the letter dated today under the subject of the SPCA letters of September 21, and October 5th in resolution of problems. And what it reflects is that Mr. Richard Avanzino, Executive Director of the SPCA and I met today and had extensive conversation relative to the map issues in those letters. And, in that regard, I want to make these statements, about four in number; 1) At the Finance Committee meeting of September 20th I stated

that I was told that some SPCA Animal Control Officers were sitting in their vans reading magazines. I had, in fact, been told that by a Staff member. However, I learned later that the Staff member who had said that to me had made such observations two years ago. Therefore, at this time, I would like to state very emphatically that to the best of my knowledge, SPCA Animal Control Officers are not engaging in such activities and are fulfilling their responsibilities completely and in a commendable manner. Also at that September 20th meeting, I stated that if I made an inaccurate statement that I would apologize and I would like, therefore, at this time to apologize to Mr. Avanzino. I would hope he would convey to the Animal Control Officers my apology because the information which I gave at that time, the statement was not based upon current conditions, therefore an apology is due, and I hope that it will be accepted because my statement certainly did reflect adversely upon SPCA and upon the Officers who I relate now are doing, to the best of my knowledge, a commendable job. Secondly, there has been no refusal by SPCA to accept citational authority. The SPCA has had such authority for a number of years. Now there has been a lot of mis-communication and to some degree, I think, misunderstandings about what was said about that authority, but Mr. Avanzino stated at the Finance Committee meeting of the 20th that they had such authority and they do, in fact, have that authority. Thirdly, the SPCA Animal Control Officers are using the citation authority the best they can considering the man power availability. and then number 4) Mr.Avanzino and I will communicate continually, we agreed today, as needed and work cooperatively in our respective roles regarding animal control enforcement. Now, in my judgment, the problems have been resolved and I will just make one further comment, we met today extensively and learned a great deal about the animal control function that I didn't know and it appears....the SPCA function, it appears there is a misunderstanding as to the function of the SPCA and particularly in regard to the ability to which the SPCA can fulfill expected animal control functions with the extent of funding which they have now. As we discussed today I related that we are going to have further meetings and I concluded, tentatively today, and I assume there will be no change that they are under funded in regard to funding the animal control function. That is personnel to undertake these enforcement actions. They have now approximately four during the day and two at night. So they need perhaps substantial funding and I don't want to make statements that would add to controversy but rather to explain more of an understanding that I have had, it may well be that it would be justified today, assuming that we can identify in our budget, moneys that can be transferred to transfer moneys. And I have some in mind that we might do, that could be given to SPCA to augment their enforcement activity. So we will be meeting on that subject and it will result in what is desirious by all and that is to get more enforcement activity. That concludes my comments Commissioners."

Mr. Richard Avanzino, Executive Director-SPCA: "Madam Chairperson, Police Commissioners, on behalf of the

San Francisco Society for the Prevention of Cruelty to Animals and Staff and particularly the Animal Control Officers, I would like to categoricially express our appreciation for clearing the record and for setting it straight and for the gracious apology that we received from the Chief of Police. We are interested in cooperating in whatever way we can with the resources that are available with the manpower that we do have in enforcing the animal control laws and the discharging of our responsibilities as the Animal Control Officers for San Francisco. We are opening a channel of communications now and I think that that will well serve the city for the future. We, of course, at the SF/SPCA are extremely proud of our Animal Control Officers, who, in our opinion, are doing an absolutely outstanding job with a very difficult task. And having this recognized by the community, of course, is extremely important to us and we would like to say that in our opinion, at this point, the matters appear to be adequately resolved and we thank the Commission for the opportunity to appear before you and have this matter heard. I think, speaking for the SF/SPCA we thank you for your help."

Commissioner Ciani: "We are very pleased that you were able to resolve that dispute. We thank you very much for coming."

Richard Avanzino: "Are there any questions you would like to ask of me? I think the Chief's remarks about the additional fundings and the abilities to discharge our responsibilities to an even greater extent with additional manpower is something that we would like to explore in additional meetings and possibly present through the Chief of Police's Office or through the Mayor's Office some proposals for the future. And we certainly appreciate that opportunity to have that dialogue and the assistance that we might be able to gain from the Chief of Police."

Commissioner Ciani: "I am not sure that I understand the citation authority that you have, does that extend to the new ordinance and do you intend to assist in enforcing the new law?"

Richard Avanzino: "Absolutely, yes, we issue citations currently for violations of the leash law, for violations of the litter law, that you are addressing that's currently on the books, but is being amended by an ordinance supported and sponsored by Supervisor Harvey Milk, which goes into effect on October 21, 1978. However, as I explained to Chief Gain, we have a total of four Animal Control Officers who patrol the streets from 7 in the morning until 8 o'clock at night, 7 days a week. Our first responsibility, and our first priority, is to take care of the injured stray animals. After that we must take care of emergencies which are biting dogs, dogs in playgrounds, a large group of dogs together, etc., etc. After we have discharged that responsibility then we try to pick up the strays that are roaming the city streets, but it's really an impossible task when you are talking about a total of

four people to cover the entire city. As you know the Police Department has a budget of approximately $80 million to take care of 600,000 people. We are taking care of approximately 200,000 animals with a total of four people. So it's a job, it's a task, it's extremely difficult. I think they are discharging their responsiblities in a tremendous manner. We are certainly proud of what they are being able to do but to the extent that we can provide greater assistance in that effort we are leading the charge and carrying the banner to try to do so. Thank you very much."

Other speakers in this regard were:

Winifred Sullivan, Volunteer Worker at the SF/SPCA

Mr. James H. Schroeder, 4645 Balboa Street, San Francisco, Ca.

Commissioner Sanchez: "I just wanted to say a few words. I think all San Franciscans know of the validity and the good work, outstanding work of the SPCA and of its outstanding programs and I believe what the Chief has said today, is the fact that he was misinformed, he does apologize and as a key man in reference to our institutions, I think this is a very positive approach to working collectively as far as both institutions. We are responsible for law enforcement in the city and at the same time we are responsible for all San Franciscans which include SPCA and a number of other areas of our concern. So I was happy to hear this evening, basically, that both men have resolved this and are now working collectively and will continue communications so that this way we can provide a better San Francisco for all of our citizens. I do wish to congratulate the Chief and also the Executive Director on a job well done. I would like to make a motion that the San Francisco Police Commission hereby congratulate the SPCA for an outstanding job to the City of San Francisco."

Commissioner Toler: "I second the motion."

Commissioner Ciani: "All in favor?"

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 454-78

COMMENDING THE SF/SPCA FOR ITS OUTSTANDING WORK IN ADMINISTERING AN EFFICIENT PROGRAM IN THE FIELD OF ANIMAL CONTROL TO THE CITY AND COUNTY OF SAN FRANCISCO

WHEREAS, at the request of Officials of

the SF/SPCA a hearing was held before the Police Commission in regard to alleged misconduct charges levied at members of their Animal Control Unit; and

WHEREAS, Chief of Police Charles R. Gain, stated that there had been a misunderstanding in this regard and that to the best of his knowledge Animal Control Officers are fulfilling their responsibilities completely and in a commendable manner; and

WHEREAS, Police Commissioner David J. Sanchez, stated that all San Franciscans are aware of the outstanding work of the SF/SPCA and that Chief Gain, as a key man in reference to our City's institutions, and Mr. Richard Avanzino, Executive Director of the SF/SPCA, has taken a positive approach to working collectively as far as both institutions are concerned; and

WHEREAS, Commissioner Sanchez, stated that he wished to make a motion that the San Francisco Police Commission congratulate the SF/SPCA for an outstanding job to the City and County of San Francisco; therefore be it

RESOLVED, that the San Francisco Police Commisison does hereby congratulate and commend the San Francisco Society for the Prevention of Cruelty to Animals for its outsnatind work in administering efficient programs in the field of animal control to the City and County of San Francisco.

AYES: Commissioners Toler, Sanchez, Ciani

NOT VOTING: Commissioners Murphy, Siggins

The Commission then adjourned its meeting at 1849 hours.

SECRETARY

18 OCTOBER 1978 REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 18, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Sanchez, Toler, Ciani

ABSENT: Commissioners Murphy, Siggins

Commissioner Ciani presiding.

DEC

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Item #7 - 1660 Stockton Street - Washington Square Inn - Continued to November 1, 1978.

Application for a White Zone. The Department recommended a denial of this request because there are only 16 rooms in the Hotel and it falls short of the Department's Policy adopted for this type of application. Mr. Norm Rosenblatt, owner of the Hotel appeared and presented reasons to the Commission for which he felt the white zone should be granted. Because of other various, green, yellow and white zones in the immediate area, it was decided that this matter be put over for two weeks in order to give the Traffic Survey Department sufficient time to investigate the feasibility of removing one of the white zones, possbily not heing used, and relocating it in front of Mr. Rosenblatt's hotel.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the instalation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1036 HYDE STREET - CATHEDRAL SCHOOL SHOP

a) At 1036 Hyde Street, install a 22' green zone, to extend from 3' to 25' north of south property line.

1600 LEAVENWORTH STREET AT PACIFIC-CHING 1 DRIVING SCHOOL -DENIED

a) At 1600 Leavenworth Street, install a 22'

white zone, extending from 10' to 32' north of south property line.

b) Revoke 39' green zone.

2419-2425-3rd STREET AT 24th STREET - KNOTS INC & BORMANN STEEL CO.

a) At 2419-2425-3rd Street, install a 22' green zone, extending from 3' to 25' south of driveway entrance.

2419-3rd STREET AT 24th STREET - KNOTS INC. & BORMANN STEEL CO.

a) At 2419-3rd Street, install a 22' yellow zone, extending from 3' to 25' north of driveway entrance to warehouse.

47-51-55 DUBOCE (OTIS) - B & A AUTO PARTS

a) At 47-51-55 Duboce, install a 55' green zone, extending west of property line 55' east of 55 Duboce.

b) Revoke existing 55' yellow zone.

801 BEACH STREET (LARKIN) - SPIRIT AIRWAYS

a) At 801 Beach Street, install a 22' white zone, extending from 4' to 26' west of east property line.

b) Remove meter 801.

902 STOCKTON (CLAY) - ST. MARY'S CHINESE MISSION

a) At 902 Stockton Street, install a 44' white zone, to extend from 16' to 60' north of south property line.

1660 STOCKTON STREET AT UNION -WASHINGTON SQUARE INN - CONTINUED FOR TWO WEEKS

409 GOUGH STREET - DAVID'S HOUSE - CONTINUED FOR ONE WEEK.

250-7th AVENUE - GEORGE PEABODY SCHOOL

a) At 250-7th Avenue, revoke existing 60' white zone, extending from 15' to 75' north of south property line. School Bus zone.

1501 GRANT AVENUE at UNION - ITALIAN FRENCH BAKING CO.

a) At 1501 Grant Avenue, revoke existing 19' yellow zone, extending from 27' to 46' north of Union Street.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 134 feet of white and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 455-78

AUGIE IV TOWING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Augie IV Towing against the City and County of San Francisco in the sum of $57.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1978

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 456-78

RAYNALDO T. CORDOVA

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Raynaldo T. Cordova against the City and County of San Francisco in the sum of $28.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 19, 1978

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 457-78

LOUIS B. RYAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louis B. Ryan against the City and County of San Francisco in the sum of $23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1978

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 458-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Sergeant Bill R. Taylor) Internal Affairs Bureau)	$40.00	(At the Polygraph (Seminar at Santa (Clara, California, (from September 29,1978 (to October 1, 1978, in- (clusive.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 459-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Sergeant Michael S. Hebel) Personnel & Training)	$150.00	(At the Basic (Course Revision (Consortium Work- (shop at San Diego, (California, on Aug- (ust 23, 1978 to (August 24, 1978, (inclusive.

AYES: Commisssioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 460-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-name member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Deputy Chief Clement D.) DeAmicis) Investigations Bureau)	$200.00	(At the Chief (Executive Criminal (Intelligence Seminar (in San Diego, Calif- (ornia, from September (27, 1978 to September (29,1978, inclusive.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

WEEKLY SICK REPORT

A weekly sick report was not presented to the Police Commission at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Commissioners."

RECEIPT OF PROPOSED DEPARTMENT GENERAL ORDER ESTABLISHING EMERGENCY (CODE 3) DRIVING REGULATION AND PROCEDURES. (COPIES SENT TO EMPLOYEE ORGANIZATIONS). CONTINUED FROM THE MEETING OF SEPTEMBER 20, 1978 - CONTINUED FOR ONE (1) MONTH.

Chief Gain: "We are requesting that this be continued for one month. We just haven't resolved it with the employee organizations as yet."

The Commission continued this item for one (1) month.

RESOLUTION NO. 461-78

PATROL SPECIAL OFFICER LINNEA GREBMEIER - REVOKED

RESOLVED, that the appointment of Patrol Special Officer Linnea Grebmeier for Beat No. 83, Northern Police District, be, and the same is hereby revoked effective October 18, 1978, she having sold her beat to Patrol Special Officer Charles Evans.

AYES: Commmissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 462-78

PATROL SPECIAL OFFICER CHARLES EVANS - APPROVED

RESOLVED, that Charles Evans,be, and he is hereby appointed a Patrol Special Officer for Beat No. 83, Northern Police District; said appointment effective October 18, 1978, he having purchased Beat No. 83, Northern Police District from Linnea Grebmeier.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 463-78

PATROL SPECIAL OFFICER RALPH GREBMEIER - REVOKED

RESOLVED, that the appointment of Patrol Special Officer Ralph Grebmeier for Beat No. 34, Richmond Police District, be, and the same is hereby revoked effective October 18, 1978, he having sold his beat to Patrol Special Officer Linnea Grebmeier.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 464-78

PATROL SPECIAL OFFICER LINNEA GREBMEIER - APPROVED

RESOLVED, that Linnea Grebmeier be, and she is hereby appointed a Patrol Special Officer for Beat No. 34, Richmond Police District; said appointment effective October 18, 1978, she having purchased Beat No. 34, Richmond Police District from Ralph Grebmeier.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

RESOLUTION NO. 466-78

ENVIRONMENTAL CONTROL OFFICERS

WHEREAS, the Police Department has been authorized to create an Environmental Control Unit, to be staffed by Environmental Control Officers appointed pursuant to Penal Code Section 830.6; and

WHEREAS, the primary duty of these Environmental Control Officers will be the issuance of citations for litter infractions, as stated in State and local ordinances; and

WHEREAS, Penal Code Section 836.5 mandates that such public officers or employees must be authorized by ordinance to perform warrantless misdemeanor arrests for violation of statutes or ordinances; therefore be it

RESOLVED, that the (attached) below stated proposed amendment to Section 1 of Ordinance 189-77 of the Municipal Code adding Classification No. 9910, Environmental Control Officer, to the list of those authorized to enforce litter-related State and local ordinances, is hereby transmitted to the Board of Supervisors for adoption.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

"AMENDING SECTION 1 OF ORDINANCE NO. 189-77, SAN FRANCISCO MUNICIPAL CODE, BY ADDING CLASSIFICATION NO. 9910, ENVIRONMENTAL CONTROL OFFICER.

Be it ordained by the People of the City and County of San Francisco:

Section 1 of Ordinance No. 189-77 of the San Francisco Municipal Code is hereby amended by adding Classification No. 9910, Environmental Control Officer, to list of these classes of officers or employees of the City and County of San Francisco who shall have duty of enforcing provision of State law or the San Francisco Municipal Code which relate to the littering of private or public property."

Commissioner Sanchez then asked if it were possible that within 6 months or a year from now, could the Commission be presented with some sort of hard data showing just how effective the various sub-sets have been in reference to the environmental units per se which would include the Department of Public Health. He stated that he thought it would be interesting to find out what unit has been most effective, if any, or if all, collectively, have been effective.

Chief Gain acknowledged this request and stated that the Department would also produce a report on the effectiveness of the Committee since it has been in operation.

RESOLUTION NO. 465-78

DATE TO BE SET FOR HEARING OF PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT.

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Albert Robles, Central Police District, was called; and

WHEREAS, it was requested by Jeremiah F. O'Shea, Jr., Attorney at Law, that the hearing for Patrol Special Officer Albert Robles, Central Police District, be continued to Wednesday, November 29, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Albert Robles, Central Police District, is set for Wednesday, November 29, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Sanchez, Toler, Ciani

NOT VOTING: Commissioners Murphy, Siggins

The Commission then adjourned its meeting at 1810 hours.

SECRETARY

25 OCTOBER 1978 REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 25, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Toler, Siggins

ABSENT: Commissioners Murphy, Sanchez

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

409 Gough Street (at Hayes) David's House - DENIED.

No. 8 Traffic Calendar continued from the meeting of October 18, 1978.

Mr. Schulyer appeared and offered testimony as to why his request should be granted. After listening to Mr. Schulyer's testimony, the Commission voted to uphold the Department's recommendation and denied his request for 44 feet of white zone.

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2190 LOMBARD AT STEINER - COW HOLLOW MOTOR INN

a) At 2190 Lombard Street, install a 22' white zone, to extend from 27' to 49' east of west property line.

28-13th STREET AT BERNICE ST. - WEST COAST CONTRACTORS SERVICES - DENIED

a) At 28-13th Street, install a 22' green zone from 22' to 22' east of Bernice Street. -DENIED

61 BERNICE STREET at 13th STREET - WEST COAST CONTRACTORS SERVICES

a) At 61 Bernice Street, install a 22' yellow zone, to extend from 42' to 64' north of south property line.

243-8th STREET AT TEHAMA - MADDEN & SONS

a) At 243-8th Street, install a 20' green zone, to extend between driveway of 243 and 245.

b) Revoke existing 20' yellow zone between driveway of 243 and 245.

540-9th STREET AT BRYANT - CONSOLIDATED TEXTILE CORP.

a) At 540-9th Street, install a 28' green zone, to extend from 6' north of north building line to 22' south of same.

b) Revoke existing 28' red zone. (Train tracks no longer in use.)

1441 POWELL STREET AT BROADWAY - ST. FRANCIS DAY HOME.

a) At 1441 Powell Street, revoke existing 21' white zone, extending from 21' to 42' south of north property line.

258-7th AVENUE AT CALIFORNIA - GEORGE PEABODY SCHOOL

a) At 258-7th Avenue, revoke existing 60' white zone, extending from 77' to 137' south of north property line.

50 DARIEN AT JUNIPERO SERRA - COMMODORE SLOAT SCHOOL

a) At 50 Darien, revoke existing 176' white zone, extending from 44' east of to 132' west of San Rafael Way.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 305 feet of yellow, red and white zones, at the parts of the City, at the locations submitted, be, and the

same are hereby approved.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Inspector William F. Armstrong, Inspectors Bureau, for service, effective October 11, 1978.

b) Police Officer Robert J. Ferroggiaro, Property Clerk, for service, effective October 2, 1978.

The communications were ordered filed.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 467-78

POLICE NARCOTICS FUND - APPROVED

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $6,000.00 charging same to Firm No. 355081 2021 133 01 as an advance on the Police Narcotics Fund for the month of October, 1978.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 468-78

POLICE CONTINGENT FUND - APPROVED

RESOLVED, that the Controller be, and

he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $4,000.00 charging same to Firm No. 355081 2010 132 01 as an advance on the Police Contingent Fund for the month of October 1978.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 469-78

LLOYD DELUCCHI AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Lloyd Delucchi and his attorney in the sum of $10,000.00 in Superior Court Action No. 711-235 entitled, "Lloyd Delucchi v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 29, 1976

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 470-78

ROBERT L. POGGI AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Robert L.Poggi and his attorney in the sum of $2,500.00 in Superior Court Action No. 661-466 entitled "Robert L. Poggi, et al. vs. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 9, 1972

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 471-78

CASWELL C. HENDRICK AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Caswell C. Hendrick and his attorney in the sum of $500.00 in Superior Court Action No. 686-242 entitled "Caswell C. Hendrick v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 13, 1974

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 472-78

MICHAEL DOUCHINSKY AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Michael Douchinsky and his attorney in the sum of $500.00 in Superior Court Action No. 685-529 entitled "Michael Douchinsky v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 26, 1974

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 473-78

YVONNE TASHIRO AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Yvonne Tashiro and his attorney in the sum of $300.00 in Municipal Court Action No. 754-874 entitled "Yvonne Tashiro vs. City and County of San Francisco, et al.,"

as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 14, 1976

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 474-78

KAREN GEIGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Geiger against the City and County of San Francisco in the sum of $5.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1978

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 475-78

AUTHORIZING ATTENDANCE OF DR. MIMI H. SILBERT, TRAINING CONSULTANT, LIEUTENANT RICHARD D. KLAPP AND SERGEANT MICHAEL S. HEBEL, PERSONNEL AND TRAINING, AT THE POST BASIC COURSE REVISION CONSORTIUM CONFERENCE AT LOS ANGELES, CALIFORNIA, ON NOVEMBER 8, 1978 TO NOVEMBER 9, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Dr. Mimi H. Silbert, Training Consultant, Lieutenant Richard D.Klapp and Sergeant Michael S. Hebel, Personnel and Training, be detailed to attend the Post Basic course Revision Consortium Conference at Los Angeles, California, on November 8, 1978 and November 9, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED,that the expenses incurred by

Dr. Silbert, Training Consultant, Lieutenant Klapp and Sergeant Hebel, Personnel and Training, in a sum not to exceed $144.00 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 476-78

AUTHORIZING ATTENDANCE OF SERGEANT FRANK REED, NORTHERN STATION, AT THE POST JOB ANALYSIS SEMINAR AT MARTINEZ, CALIFORNIA ON NOVEMBER 1, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Frank Reed, Northern Station, be detailed to attend the Post Analysis Seminar at Martinez, California on November 1, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Sergeant Frank Reed, Northern Station,will be paid by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 477-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Sergeant David Winn) $911.00 (At the Advanced
Crime Specific Task Force) (Special Weapons
(Tactics Training
(Course at Fort Ord,
(Monterey, California,

(from October 12,
(1978 to October
(13, 1978, inclusive.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 478-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Police Officer Dorothy Jorgensen) Crime Specific Task Force)	$508.00	(At the Train- (ing Seminar (for Women Police (and others in (Law Enforcement (at St. Paul, (Minnesota, (from October (8, 1978 to (October 13, 1978, (inclusive.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 479-78

AUTHORIZING ATTENDANCE OF INSPECTOR MARGARET HARTMAN, INVESTIGATIONS BUREAU (SEX CRIMES), AT THE WOMEN PEACE OFFICERS' ANNUAL TRAINING INSTITUTE AT RIVERSIDE COUNTY REGIONAL ACADEMY, FROM NOVEMBER 2, 1978 TO NOVEMBER 4, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector Margaret Hartman, Investigations Bureau (Sex Crimes), be detailed to attend the Women Peace Officers' Annual Training

Institute, at Riverside County Regional Academy, from November 2, 1978 to November 4, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Inspector Margaret Hartman, Investigations Bureau (Sex Crimes), in a sum not to exceed $215.00, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Commissioners."

RECOMMENDATIONS OF THE AWARDS COMMITTEE

The Awards Committee has recommended that Police Officer Robert Hooper, be awarded one (1) month's salary and requested that their recommendation be brought to the attention of the Police Commission for their consideration and possible approval.

Commissioner Ciani moved to include this recommendation in her motion for approval of the awards as submitted by the Awards Committee.

The date of November 15, 1978 was then set for the presentation of the Medals of Valor and Certificates.

RESOLUTION NO. 480-78

RECOMMENDATIONS OF THE AWARDS COMMITTEE - APPROVED

RESOLVED, that the following-named members of the Police Department, be, and they are hereby granted Awards of Valor - Gold Medal, Silver Medal, and Bronze Medal, under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department, as approved by the Awards Committee on Friday, October 20, 1978:

Police Officer Robert Hooper .....Gold Medal of Valor
(Postumously)

Lieutenant Michael A. Brush.....Gold Medal of Valor

Lieutenant Richard D. Klapp.....Gold Medal of Valor

Sergeant Richard Kazarian.....Gold Medal of Valor

Police Officer Henry A. Bakay.....Gold Medal of Valor

Police Officer Richard J. Cairns.....Gold Medal of Valor

Police Officer Edward L. Edney.....Gold Medal of Valor

Police Officer Michael P. Lawson.....Gold Medal of Valor

Police Officer Frank A. Palma.....Gold Medal of Valor

Police Officer Joseph L. Vigil.....Gold Medal of Valor

Police Officer Thomas P. Walsh.....Gold Medal of Valor

Captain George P. Jeffrey.....Silver Medal of Valor

Police Officer Peter H. Godbois.....(2)Silver Medal of Valor

Police Officer Martin Walsh.....Silver Medal of Valor

Police Officer Allen J. Bernardi.....Silver Medal of Valor

Police Officer Richard H. VanWinkle.....Silver Medal of Valor

Police Officer Thomas J. Griffen.....Silver Medal of Valor

Police Officer Joseph C. Kirley.....Silver Medal of Valor

Police Officer David Roccaforte.....Silver Medal of Valor

Police Officer Richard G. Sheehan.....Silver Medal of Valor

Sergeant Fernando F. Gamez.....Bronze Medal of Valor

Assistant Inspector Gurnie L. Cook.....Bronze Medal of Valor

Police Officer Samuel R. Osborne.....Bronze Medal of Valor

Police Officer James E. Ludlow.....Bronze Medal of Valor

Police Officer Thomas M. Heffernan.....Bronze Medal of Valor

Police Officer Bruno G. Pezzulich.....Bronze Medal of Valor

Police Officer Robert C. Hernandez.....Bronze Medal of Valor

Police Officer Vincent P. Repetto.....Bronze Medal of Valor

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 481-78

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission held on Wednesday, October 25, 1978; and

WHEREAS, Chief of Police Charles R. Gain has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer Robert Hooper (Postumously) be, and he is hereby awarded a Gold Medal of Valor and granted a reward of $1,588.00 (one months salary) as provided for under said section of the Charter; and be it further

RESOLVED, that Lieutenants Michael A. Brush, and Richard D. Klapp, Sergeant Richard C. Kazarian, Police Officers Henry A. Bakay, Richard J. Cairns, Edward L. Edney, Michael P. Lawson, Frank A. Palma, Joseph L. Vigil, and Thomas P. Walsh, be, and they are hereby awarded Gold Medals of Valor and granted a reward of $200.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Captain George P. Jeffrey, Police Officers Peter H. Godbois (Awarded two (2) Silver Medals of Valor; $100.00 for each award), Martin Walsh, Allen J. Bernardi, Richard H. VanWinkle, Thomas J. Griffen, Joseph C. Kirley, David Roccaforte, and Richard G. Sheehan, be, and they are hereby awarded Silver Medals of Valor and granted a reward of $100.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant Fernando F. Gamez, Assistant Inspector Gurnie L. Cook, Police Officers Samuel R. Osborne, James E. Ludlow, Thomas M. Heffernan, Bruno G. Pezzulich, Robert C. Hernandez, and Vincent P. Repetto, be,and they are hereby awarded Bronze Medals of Valor and granted a reward of $50.00 each as provided for under said section of the Charter.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy,Sanchez

RESOLUTION NO. 483-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $400.00 as follows:

Any legally available funds $400.00

and credit it to the following appropriation in the amount indicated

355016-1231 Contractual Services $400.00

to cover Sewer Service Charge Expenses.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

RESOLUTION NO. 482-78

REQUEST OF MR. MAXI GARCIA FOR PERMISSION TO INCREASE HIS JITNEY BUS PASSENGER LOAD FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS CONDITIONALLY APPROVED FROM OCTOBER 25, 1978 TO AUGUST 15, 1979.

WHEREAS, Mr. Maxi Garcia requested by letter a hearing before the Police Commission for permission to increase his passenger load from twelve (12) passengers to fifteen (15) passengers; and

WHEREAS, the Police Commission, after having listened to testimony on behalf of the party, the Police Commission adopted the following resolution:

RESOLVED, that it is the order of the Police Commission that the request of Mr. Maxi Garcia for permission to increase his Jitney Bus passenger load from twelve (12) passengers to fifteen (15) passengers, be, and the same is hereby approved; and be it further

RESOLVED, that approval is granted subject to review by the Police Commission after a trial period from October 25, 1978 to August 15, 1979, and upon completion of said trial period the party is to return to the Police Commission with reports on the results.

AYES: Commissioners Ciani, Toler, Siggins

NOT VOTING: Commissioners Murphy, Sanchez

COMMISSION CORRESPONDENCE

1. Letter from Mr. Paul M. Davis, President, Bay Counties Security Service Inc., to Captain J. Lordan, Northern Police Station, copy of which was sent to the Police Commission, complaining of length of time taken to conclude the investigation of his complaint against two Police Officers of Northern Police Station. (Response to be forthcoming from Captain Lordan.)

2. Letter from Richard Avanzino, Executive Vice President SF/SPCA thanking Commissioner Ciani, Toler, and Sanchez for their courtesy at the Police Commission Meeting of Wednesday, October 18, 1978, and requesting a copy of the Commission's Resolution commending the SPCA. (Request complied with.)

3. Letter from SFPOA regarding Grievance 75-78, filed by Peter Canaan, Samuel Osborne and Patrick White, requesting the matter to be heard at the Police Commission's earliest convenience. (Response to be determined.)

4. Letter from Board of Supervisors, Employee Relations Division, Mr. Milton H. Mares, Chief Labor Negotiator, Re: Contracting Out of Departmental Services. (Informational only.)

5. Letter from Jeremiah F. O'Shea, Jr., Attorney at Law, representing Patrol Special Officer Albert Robles, to Chief Charles R. Gain, copy of which sent to appeal the letter of reprimand to his client by the Chief. (Chief to respond.)

6. Letter from Jeremiah F. O'Shea, Jr., Attorney at Law, representing Patrol Special Officer Albert Robles, to the Secretary of the Police Commission requesting a continuance in the Hearing of Officer Robles from its scheduled date of 10/18/78. (Matter heard and continued to November 29, 1978.)

7. Letter from Mr. Haig A. Harris, Jr., copy of letter originally sent to M. Killelea Esq., and P. Ward, Esq., re: Matters of petition for retroactive pay parity for Assistant Inspectors. (Informational only.)

8. Letter from Mr. Chester R. Wawrzynski, to the Police Commission regarding his dissatisfaction over results of an Internal Affairs Investigation

of his complaint of May 15, 1978. (Response to be determined.)

Chief Gain: "I might comment on correspondence that in regard to number 1 that we are preparing a response on that, and number 5, we are dealing with now, also we are preparing a response for the President of the Commission, for his signature on number 8."

Commissioner Siggins: "What about the grievance matter?"

Chief Gain: "On the grievance matter, I would like to make this comment, that the POA states in their letter that a hearing was held with me on this matter and the result is not to the satisfaction of the grievants, they are not here tonight. What actually happened was that I had a meeting with representatives from the POA but they met with me and there was not, in fact, the formal grievance before me. It covered basically, the subject matter and I have no complaint about that, it's a matter now, I think, of what is the policy of the Commission. So what is the policy of the Commission? They don't state, for example, why my response was not satisfactory. Does the Commission want them to come before the Commission and make an oral statement as to the matters or does the Commission want a written statement and then a written statement in response from the Chief of Police so that you would have written material upon which to act upon?"

Commissioner Siggins: "Yes, I think the file should be coming before us then we can actually make the determination on whether it is properly before us also."

Commissioner Toler: "The Commission Policy, perhaps you have copies of the Commission Policy regarding this?"

Commissioner Siggins: "We haven't had a grievance before us yet because most of them have been....all of them have been settled at a level below us."

Chief Gain: "This would be the first one before the Commission. Now what usually happens is that a grievant completes a form and there is a form here. And then a Captain or Deputy Chief presents a response. If the grievant doesn't agree with that response then they ask for a hearing with the Chief of Police. They state no reasons why

they don't agree with whoever or whatever Deputy responded to them. So I have a Hearing and based upon the written material they have presented and anything that they want to state and perhaps they would state orally at times why they disagree with the Deputy's statement or whatever it might be. That is what I do at my level that is why I am saying to the Commission what does the Commission want to do? If you follow the practices that I have they would come and make an oral presentation as a basis on the original written grievance that you see here or as I was asking, do you want more of a written record from POA and from the Chief of Police?"

Commissioner Siggins: "Well, I would like to go through this file a little bit more before I make some kind of representation to the Police Officers Association that would speak for the Commission. Let's put it over for one (1) week and I will look at it a little bit more, okay? I thought they would be here tonight."

Sergeant Frazier: "Mr. Chairman, if I may, I think if we are following the spirit of the Memorandum of Understanding, we are supposed to respond within ten (10) days."

Commissioner Siggins (to fellow Commissioners): "Why don't you authorize me to go through it and respond within the 10 days?"

Commissioner Ciani: "When does the 10 days run?"

Sergeant Frazier: "Well, we received it October 16th."

Commissioner Siggins: "This is the first meeting so I will respond. I will look over it tonight. We are not bound by that, we want to live up to certain spirits of that but we are not bound by that, we don't have a Memorandum of Understanding right now with them. I will get a letter out within ten (10) days which means tomorrow."

The Commission then adjourned its meeting at 1808 hours.

Willie E. Grimm
SECRETARY

1 NOVEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 1, 1978, at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

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RECOMMENDATIONS OF THE TRAFFIC BUREAU

In regard to item #7 carried over from October 18th, Officer Quaglia advised the Commission that the matter was put over to this date to allow the Department to check a white zone which the applicant felt was not being used in the immediate area with the possibility being that if that were true, removing same, and placing it in front of applicants' establishment. Officer Quaglia stated that they went out and checked that white zone and noted that the Drug Store on the corner asked that the Department remove it and put in two 15 minute meters because they have no use for it. He stated that he had notified Mrs. Rosenblatt about the hearing tonight and the department's concluding recommendation. The Commission receiving no further testimony in this regard, adopted the Department's recommendation. The Commission then approved the remaining items for both the Traffic and Consent Calendars.

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1660 STOCKTON STREET AT UNION - WASHINGTON SQUARE INN-DENIED

a) At 1660 Stockton Street, install a 22' white zone, to extend from south property line 22' north of same. - DENIED

b) Remove meter 1630. - DENIED

735 HAIGHT STREET AT COLE - HAIGHT HARDWARE

a) At 735 Haight Street, install a 22'

green zone, to extend from 6' to 28' east of west property line.

455 EDDY STREET - CENTRAL TOWERS APARTMENTS

a) At 455 Eddy Street, install a 22' white zone, extending from 183' to 201' west of east property line.

b) Remove meter 425.

350 TURK STREET - CENTRAL TOWERS

a) At 350 Turk Street, install a 22' white zone, extending from 45' to 67' west of east property line.

b) Remove meter 322.

600 PARNASSUS AT 3rd AVENUE - U.C. MEDICAL CENTER

a) At 600 Parnassus, install a 59' white zone, to extend from 8' to 67' west of east property line.

b) Remove meters 606 - 604 - 602.

890 BEACH STREET - SENIOR CITIZEN CENTER

a) At 890 Beach Street, install a 44' blue zone, extending from bus zone at 890 Beach Street, 44' east of same.

b) Remove meters 828 & 826.

525-7th STREET - LAFE RESTAURANT

a) At 525-7th Street, install a 22' green zone, extending 22' north of south property line.

2707 PINE AT DIVISADERO STREET - PINE TOWERS CONVALESCENT HOSPITAL

a) At 2707 Pine Street, install a 22' blue zone, extending from 49' to 71' west of east property line.

924 SANSOME STREET - HUNAN RESTAURANT

a) At 924 Sansome Street, install a 44' white zone, extending from 15' to 59' north of south property line.

3910 GEARY - LIQUOR FACTORY INC.

a) At 3910 Geary, revoke existing 38' yellow zone, extending from 17' to 55' west of east property line.

258 FUNSTON - SUTRO ELEMENTARY SCHOOL

a) At 258 Funston Street, revoke existing 162' white zone, extending from 12' to 174' north of south property line.

1701 - 9th AVENUE - 9th & MORAGA MARKET - DENIED

a) At 1701 -9th Avenue, install a 22' yellow zone, extending from 14' to 36' south of north property line.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 200 feet of yellow and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 484-78

HELEN NICHOLS AND TO HER ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Helen Nichols and to her attorney in the sum of $5,000.00

in Superior Court Action No. 712-654 entitled "Helen Nichols v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 13, 1976

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 485-78

JAMES R.BARRETT AND TO HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of James R. Barrett and to his attorney in the sum of $850.00 in Superior Court Action No. 665-685 entitled "James R. Barrett v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 11, 1973

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 486-78

AUTHORIZING ATTENDANCE OF ASSISTANT INSPECTOR PATRICIA BYRNE, LEGAL OFFICE,AT THE UNDERSTANDING AND USING THE CALIFORNIA EVIDENCE CODE IN CIVIL AND CRIMINAL CASES COURSE IN SAN FRANCISCO, CALIFORNIA, FROM NOVEMBER 13, 1978 TO NOVEMBER 15, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Assistant Inspector Patricia Byrne, Legal Office, be detailed to attend the Understanding and Using the California Evidence Code in Civil and Criminal Cases Course in San Francisco, California, from November 13, 1978 to November 15, 1978, inclusive. be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Assistant Inspector Patricia Byrne, Legal Office, in a sum not to exceed $80.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 487-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER WILLIAM KIDD, AND STATION OFFICER SUSAN COATES, PERSONNEL AND TRAINING, AT THE POST SEMINAR ON CERTIFICATES AND REIMBURSEMENT, AT SAN RAFAEL, CALIFORNIA ON NOVEMBER 7, 1978, INCLUSIVE.

RESOLVED, that Police Officer William Kidd and Station Officer Susan Coates, Personnel and Training, be detailed to attend the Post Seminar on Certificates and Reimbursement, at San Rafael, California, on November 7, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer William Kidd and Station Officer Susan Coates, in a sum not to exceed $7.25 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 488-78

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING, AT THE TRAINING STANDARDS AND COMBINED COMMITTEE CONFERENCE AT SAN DIEGO, CALIFORNIA, FROM NOVEMBER 14, 1978 TO NOVEMBER 16, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard D. Klapp, Personnel and Training, be detailed to attend the Training Standards Seminar and Combined Committee Conference at San Diego, California, from November 14, 1978 to November 16, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Klapp, Personnel and Training, in a sum not to exceed $170.00, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 489-78

AUTHORIZING ATTENDANCE OF LIEUTENANT DANIEL MURPHY AND INSPECTOR THOMAS TYRELL, INTELLIGENCE UNIT, AT THE ORGANIZED CRIME SEMINAR AT ANAHEIM, CALIFORNIA FROM NOVEMBER 29, 1978 TO NOVEMBER 30, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Daniel Murphy and Inspector Thomas Tyrell, Intelligence Unit, be detailed to attend the Organized Crime Seminar at Anaheim, California, from November 29, 1978 to November 30, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Lieutenant Murphy, and Inspector Tyrell, Intelligence Unit, in a sum not to exceed $160.00 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 490-78

AUTHORIZING ATTENDANCE OF POLICE OFFICERS DIRK BEIJEN AND JOSEPH MOLLO, PERSONNEL AND TRAINING, AT THE SELF DEFENSE AND ARREST TECHNIQUES INSTRUCTORS' REFRESHER SEMINAR AT PLEASANTON, CALIFORNIA, FROM NOVEMBER 20, 1978 TO NOVEMBER 21, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Dirk Beijen and Joseph Mollo, Personnel and Training, be detailed to attend the Self Defense and Arrest Techniques Instructors' Refresher Seminar at Pleasanton, California, from November 20, 1978 to November 21, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Officers Beijen and Mollo, Personnel and Training, in a sum not to exceed $51.90 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 491-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Captain Joseph M. Flynn) Crimes Specific Task) Force)	$911.25	(At the Advanced (Special Weapons (and Tactics Train- (ing Course, at Fort (Ord, Monterey, Calif- (ornia, from October (17,1978 to October (18, 1978, inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 492-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED,that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Lieutenant Richard D. Klapp) Personnel and Training)	$14.86	(At the Quarterly (Meeting of the Com- (mission on Peace (Officer Standards (and Training (POST) (at Eureka, California, (on October 19,1978 (and October 20, 1978, (inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, I don't know whether under this item you want to discuss the request by one Commissioner for discussion of the effects of Proposition A. The Transportation

Commission, or not."

Commissioner Ciani: "I would have requested it if you hadn't."

Chief Gain: "The request was made and we submitted to the Commission a paper which reveals that it does have an impact upon the Police Department and the basic thing is that the licensing and regulation of vehicles for hire now under the Police Commission would be assigned to the Transportation Commission. Then special curb markings, yellow, red, green zone, etcetera, now under the Police Commission would be under the authority of the Transporation Commission. If Prop. A passes those areas of responsibility would be transferred to it and the, of course, the numbers of personnel that we now devote to that would not be needed here and presumably they would be transferred. And, of course, some of those positions are part of our personnel conversion program. So we continue with the personnel conversion program and if this passes, then in due time, the personnel then would be transferred."

Commissioner Ciani: "So you're saying that we would not realize any increase in available manpower."

Chief Gain: "Well, to because of this, because we had already, under our personnel conversion program, the plan as a budget matter, to convert some of these positions. So we will get the additional manpower on the street anyway."

Commissioner Ciani: "Well, how many positions are affected by the duties that relate to Prop. A activities?"

Chief Gain: "Off hand I don't know. Because what we would have to do is identify what the workload factor is where these particular items are. Because the personnel also do other things."

Commissioner Ciani: "Okay, thank you."

The Chief then stated that the other thing he would report on would be the events that occurred on Halloween night. He stated that his overall observation was that the purpose for the Halloween festivity on Polk Street was one so that certain persons could express themselves based upon sexual orientation. He stated that last night did not demonstrate that at all. He said that there were predominantly straight persons and a substantial number of younger persons, and in his judgment there were numbers of hooligans there who were there for the purpose of disrupting. He further stated

that after midnight for awhile, there were some extensive bottle throwing at police officers and abuses of that nature. He said for whatever reasons Halloween started on Polk Street, they no longer exist and that he would like to see it discontinued and not occur in the future. He said it took a lot of manpower and no worthwhile purpose was served. He said next year they will work to try and dissuade persons from going to Polk Street.

Commissioner Sanchez stated that he would hope that basically as the Department takes a look at the totality of San Francisco that a rational approach to law enforcement for the whole city would be taken. He said perhaps the events scheduled last night and one of the State Senators flying in, of course, tended to be of some concern, but he said it seemed to him that the whole focus of Halloween had been downgraded over the years and a lot of it has been because of the security factor for a lot of San Franciscans, both the kids and the senior citizens.

Chief Gain stated that he just wanted to comment further on the visit that Dr. Sanchez referred to regarding the State Senator. He said that both papers had statements with inaccurate items. He continued by saying that one paper stated that he congratulated the Senator, which he did not do, had no cause to do, and did not talk with him. He said another item in the paper stated that he had talked with the Senator's Staff, which he did not. The Chief further stated that people were forecasting a potential for violence that in his police judgment did not exist to begin with. He stated that too much was made of that. He said the Department had very good plans and they were executed.

RESOLUTION OF THE POLICE COMMISSION REQUESTING THE BOARD OF SUPERVISORS TO AMEND CHAPTER I OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 1.26 THERETO, RELATING TO THE POLICE CHIEF'S AUTHORITY TO CONTRACT WITH THE STATE TO PROVIDE PROTECTION TO WITNESSES IN CRIMINAL CASES.

Captain Charles Schuler of the Bureau of Investigations, appeared on this matter and briefed the Commissioners as to the reasons for this request. He stated that the money would be used for witnesses that have had their lives threatened, especially in cases involving gang activities. He stated it would be used to getting witnesses relocated as most would not be able to stay in the same surroundings after they have come to the police with information. He stated that it is mandatory to go through the Federal System first and

the Federal Witness Protection Program has to refuse the individual Department's request for money. He stated he did not believe they had a ceiling on the amount of moneys the Federal Program could disburse. He said the amount the Department is asking authorization for would be to handle unusual cases where the Federal government felt, for one reason or another, they were not interested in the case.

RESOLUTION NO. 495-78

WITNESS PROTECTION PROGRAM.

WHEREAS, the State of California, Department of Justice, has established a California Witness Protection Program to assist local law enforcement agencies in protecting Witnesses and their families; and

WHEREAS, in order to participate in the program and receive funds from the State, it is necessary to have signatory authority in a designated individual to sign the required contract; and

WHEREAS, the Chief of Police is the person responsible for providing protection to witnesses in felony criminal matters; and

WHEREAS, it is necessary to have the Board of Supervisors approve contracts of this type and give authority to City Officials to act for the City and County of San Francisco; and

WHEREAS, to accomplish this result an amendment to the San Francisco Administrative Code is needed; therefore be it

RESOLVED, that the San Francisco Police Commission hereby requests the Board of Supervisors to amend the San Francisco Administrative Code by adding Section 1.26 thereto allowing the Chief of Police to sign contracts with the Department of Justice, State of California, in connection with participating in the California Witness Protection Program.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

MATTER OF PATROL SPECIAL BEAT #46 RE: CLAIM OF MRS. ERMA JEWETT, TO BE REPRESENTED BY ATTORNEY JERRY E.

BERG. (CONTINUED FROM THE MEETING OF SEPTEMBER 20,1978) - CONTINUED FOR TWO (2) WEEKS.

Mr. Jerry Berg appeared on behalf of Mrs. Erma Jewett and Mr. Alfred Arnaud appeared on behalf of Mr. Torres. Mr. Berg stated that the purpose of having this placed on the calendar originally was to verify the ownership of Mrs. Jewett of this beat. He then submitted to the Commission a one page chronology giving the dates of the events in which an attempt had been made to clear up the rightful ownership of the Beat.

Commissioner Siggins then stated to Mr. Berg that as he went through the matters presented, the date of March 20, 1970, had a special emphasis as far as he was concerned. He stated that Mr. Jewett gave up the Beat and wrote a letter to Chief Nelder at that time stating, in effect, that he was resigning.

Mr. Berg stated that he agreed with that but it was important to note that in sequence with all of the other things because there was a court order prior to that time which restrained Mr. Jewett from doing that. Mr. Berg then went through the various dates listed in his chronology and then stated that what they were really asking was just confirmation that the ownership was Mrs. Jewett's so that she could proceed to sell it and in order to do that, she would need the Police Commission's permission. He stated that she would also like to get the financial record to find out just how much the Beat is worth.

Mr. Alfred Arnaud, representing Mr. Torres, stated that in reference to the issue of the value of the Beat he stated that he found some question as to the priority of the Legal Office to inquire into the value of the Beat. He stated that his reasons are that the hearing here tonight is not in regard to a proposed sale, and there is no proposed transfer.

Mr. Lawrence Wilson stated that the Police Department's Internal Affairs Bureau and the Legal Office are all involved in an ongoing investigation of the manner in which Mr. Torres has conducted himself over a number of years and it involves the income that he has derived by his control over the area covered by this Beat.

Commissioner Murphy then asked if it would be possible to determine the amount of money Mrs. Jewett would have received had the price of the Beat been determined in 1970. She stated it looked to her as though there were two owners. One being Mrs. Jewett with some equity in the Beat and the other being Mr.

Torres with a lien equity in the Beat. She stated that a person should be found that qualifies to operate the Beat and who also has enough money to buy it. She stated that then when the money is forthcoming it should be considered and disbursed on a prorata share to the two persons involved.

Upon agreement by Mr. Torres, who stated that he would provide information as to the number and names of clients and the amount of income during the years 1970 and 1978, the Commission continued the matter for two weeks.

As a postscript, Mr. Alfred Arnaud stated that he might file an action for declaratory relief. He continued by saying he was fairly new to the case, but it seemed to him that this would be the proper procedure, to have a court decide who, in fact, is entitled to this property right. He stated that if he decides to do that he would notify the Commission immediately and then the Commission could continue the hearing or decide what it wants to do.

Commissioner Siggins then stated that it would be put over for two weeks to November 15, 1978.

REQUEST FOR A SUPPLEMENTAL APPROPRIATION FROM PARKING TAX REVENUES TO EXTEND THE SENIOR CITIZEN ESCORT SERVICE TO THE VISITACTION VALLEY NEIGHBORHOOD.

Commissioner Sanchez staed that he wished the press would give as much attention to important projects such as Senior Citizens Escort as it has for some other matters occuring in the city because, he stated, that he really feels this program is one of the most outstanding in San Francisco and that there needs to be more dissemination on its effectiveness so in this way other communities within the city could begin to ask for this type of service also. He then thanked everybody present who put in a lot of time and effort saying that it was a fantastic program and that the Commission completely supported it.

Commissioner Siggins stated that the Commission should make note that Supervisor Dan White sent the Commission a letter complimenting the work of Lieutenant Frank Jordan for his work with the SAFE Program. He stated that he was certainly happy to receive it.

He further stated that the Commission has been watching Lieutenant Jordan during his involvement with the commencement and continuation of the Program, and the Commission has its own praise for him also.

Chief Gain stated that he had not informed the Commission formally, but he has now placed Lieutenant Jordan in charge of the Crime Education Division with overall responsiblity for all of these projects, and Mr.Mark Forrester is the Project Director of the Senior Citizen Escort Program.

Commissioner Murphy stated she was very glad that there is an office in the Western Addition because that is near where she lives. She said there have been reports of two muggings of friends in her area very recently, both involved senior citizens. Maybe they will have to have the escort service provided in Pacific Heights also.

RESOLUTION NO. 496-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $63,000.00 as follows:

1195-2600	Estimated Revenues -- Parking Tax Fund	$63,000.00

and credit it to the following appropriation in the amount indicated

600130 Index 203-03 Fund 314-09 Proj/ WKPH	Expansion of the Senior Escort Program to include the Visitacion Valley area per Budget and Work Program	$63,000.00

to extend the Senior Citizen Escort Service to the Visitacion Valley Neighborhood.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECOMMENDATION FOR PROCEDURE ACTION: MODIFICATIONS OF SENTENCE OF OFFICER WILLIAM J. BANAS.

Chief Gain: "In regard to this item, I am certain Mr. Bley isn't going to have any objections."

Commissioner Siggins: "This was a closed Hearing, wasn't it, this matter?"

Commissioner Sanchez: "Yes, it has been heard and voted on."

Chief Gain: "We are recommending at the bottom line that the Commission modify its sentence and adopt a resolution that would result in a 30 day suspension for the officer and the termination of six months extension of the probation."

Commissioner Sanchez: "I would so move."

Commissioner Ciani: "Second."

Chief Gain: "The only thing that needs to be settled is the date of the suspension."

Commissioner Siggins: "Is Officer Banas here?"

Stephen Bley: "No, he is not."

Lieutenant Trueb: "There has been a start of the 30 days of the suspension so we will have to get with the Personnel Bureau to work out what dates to begin it again."

Commissioner Siggins: "Okay, well basically, it's a modification or change of the sentence for violation of Specification No. 1, removing the order of termination and instituting a 30 day suspension, is that correct?"

Chief Gain: "Yes."

Lawrence Wilson: "No Specification No. 2, sir."

Commissioner Siggins: "Specification No. 2? One of them was, I remember, a 5 day suspension."

Lawrence Wilson: "That was the first Specification."

Commissioner Siggins: "I wasn't here for that, but I remember the night of November, 1977 when Officer Banas very willingly accepted the conditions of that probation. And I think the underlying facts call for a termination and I am, in effect, disappointed that he has not lived up to the program. He certainly

guaranteed us at that time that he would do it. I am not saying this to you Mr. Bley, I know you were representing him then and you represented him here at a hearing a few weeks back."

Commissioner Murphy: "Commissioner Siggins, I would like to ask that the minutes show that one of the reasons for suspension 'rather than termination' was that Officer Banas has remained dry, has remained sober although he didn't participate in the program. His sobriety was, of course, the object of the probation in the first place."

Commissioner Ciani: "At that time I did not believe that was revelant and I still don't believe that is revelant to the action that should have been taken."

Commissioner Sanchez: "Well, we have already voted on that one before so we have a motion before us now and I think it has already been seconded, so if you would call the question?"

Commissioner Siggins: "Okay, all in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 497-78

MODIFICATION OF SENTENCE OF POLICE OFFICER WILLIAM J. BANAS.

WHEREAS, at a hearing before the Police Commission on November 9, 1977, Resolution No. 567-77, Police Officer William J. Banas was found guilty of violating two sections of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission suspended Officer Banas for five (5) calendar days without pay for violation of Section 2.13 (Specification No. 2) which was satisfied, and terminated him for violation of Section 2.125 (Specification No. 1) but stayed the imposition of this sentence for one year subject to specified conditions agreed to by Officer Banas through his counsel; and

WHEREAS, at the Police Commission meeting of October 4, 1978, the Police Commission made a finding that Officer Banas had not satisfied all of the conditions previously agreed upon and that failure to observe the conditions constituted a violation of probation voluntarily entered into by Officer Banas

as a condition under which the sentence of termination was not imposed; and

WHEREAS, at the Police Commission meeting of October 4, 1978, the Police Commission found Officer Banas guilty of violating the terms of his probation, Resolution No. 451-78, and imposed an additional sentence of 30 calendar days without pay and extended the period of his probation during which the imposition of the sentence of termination is still in effect; and

WHEREAS, the Police Department's Legal Office having been requested to research the legality of the sentence imposed upon Officer Banas at the metting of October 4, 1978, opined that the Commission's actions were, although unintentional, not consistent with the Charter provision controlling disciplining members of the Police Department; and

WHEREAS, the Legal Office advised that the Police Commission cannot impose and additional sentence of 30 days suspension, while retaining the original punishment, without consciously vacating or modifying the sentence imposed on November 9, 1977, for violation of Section 2.125 (Specification No. 1); therefore be it

RESOLVED, that it is the order of the Police Commission that the sentence of termination and voluntary probation rendered in Resolution No. 567-77, on November 9, 1977, as a result of finding Officer Banas guilty of violation of Section 2.125, (Specification No. 1), be and the same is hereby modified and in lieu of termination and voluntary probation, Officer Banas be suspended without pay for thirty (30) calendar days; and be it further

RESOLVED, that it is the order of the Police Commission that the sentence imposed upon Officer Banas in Resolution No. 451-78, and pursuant to the modification of Resolution No. 567-77, will be as hereinafter set forth:

> That Officer William J. Banas be suspended for thirty (30) calendar days without pay, four (4) of said days were served as follows: commencing Wednesday, October 11, 1978, at 0001 hours and terminating Saturday, October 14, 1978, at 2400 hours; and twenty-six (26) days commencing Wednesday, November 22, 1978, at 0001 hours, and terminating on Sunday, December 17, 1978, at 2400 hours.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

(The entire proceedings were recorded on Cassette Tapes.)

HEARING OF POLICE OFFICER BRIAN D'ARCY, CRIME SPECIFIC TASK FORCE

The hearing of Police Officer Brian D'Arcy, Crime Specific Task Force Unit, was called, it having been set for this date. Police Officer Brian D'Arcy was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Off-Duty Intoxication Impairing Ability to Perform Police Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Neglect of Duty Subverting the Good Order, Efficiency and Discipline. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Police Officer Brian D'Arcy appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence Wilson, Attorney at Law, appeared as the Prosecutor for the Police Department.

Mr. Bley, on behalf of Police Officer Brian D'Arcy, entered a written and oral plea of "Guilty" to Specifications No. 1 and 2.

The reading of the Charges was waived.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 493-78

DECISION - HEARING OF POLICE OFFICER BRIAN D'ARCY, CRIME SPECIFIC TASK FORCE

WHEREAS, on April 27, 1978, Charles R. Gain,

Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Brian D'Arcy, Crimes Specific Task Force Unit, as follows:

SPECIFICATION NO. 1

a) That at all times during which the incident herein related occurred, the accused was off duty and in civilian dress;

b) That at approximately 1100 hours, July 1, 1977, the accused, with his companion and fellow San Francisco Police Officer John Chestnut, Star No. 1507, arrived at the Shamrock Tavern, 536 Sixth Street, San Francisco;

c) That from approximately 1100 to 2400 hours, July 1, 1977, the accused was served and consumed approximately fourteen (14) drinks of alcoholic beverage in said tavern;

d) That at approximately 0130 hours, July 2, 1977, the accused and Officer Chestnut entered Fred's Liquor and Grocery Store, 143 Sixth Street, San Francisco, and made a purchase of two six-packs of beer;

e) That while inside said liquor store, a verbal altercation took place among the accused, Officer Chestnut, one John Robinson and other unidentified male patron or patrons;

f) That the accused and Officer Chestnut while continuing the verbal portion of the altercation, accompanied, followed, or pursued Robinson to a pay phone booth at Sixth and Howard Streets where Robinson placed a call requesting police assistance;

g) That before said call could be completed, a struggle ensued between the accused, Officer Chestnut, and Robinson, who was unarmed;

h) That in the course of said struggle

1) Officer Chestnut drew his unloaded pistol and pointed same at Robinson;

2) Officer Chestnut was struck on the head with a bottle by an unidentified male in the vicinity;

3) A pistol belonging to and in the possession of the accused fell to the ground;

4) Robinson retrieved the pistol of the accused and shot the accused in the leg;

i) That a sample of the accused's blood, drawn at 0320 hours, July 2, 1977, showed a blood-alcohol level of .22;

j) That the accused admitted to being intoxicated when leaving the Shamrock Tavern about midnight;

k) That by reason of the above stated conduct, admissions, and blood-alcohol level, the accused was under the influence of an intoxicating liquor and was, therefore, rendered incapable of exercising police powers in a calm, deliberate and efficient manner;

l) That the accused did, therefore, violate Section 2.125 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.125 (A member) shall not, while on duty or in uniform, drink any kind of intoxicating liquor, or whether on or off duty be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate, and efficient manner."

SPECIFICATION NO. 2

a) That all the allegations in paragraphs (a) through (h) of Specification No. 1 are incorporated herein as though fully stated;

b) That the conduct of the accused and Officer Chestnut, both separately and jointly, was so haphazard and clumsy that Robinson neither was subdued,

apprehended, or arrested, nor was the situation brought to a satisfactory conclusion;

c) That by virtue of such neglect of duty, the accused subverted the good order, efficiency, and discipline of the Department in violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 1, 1978, and that on Wednesday, November 1, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the charges made and filed against Police Officer Brian D'Arcy, Crimes Specific Task Force Unit, as contained in Specifications No. 1 and 2, are sustained by the evidence presented at the hearing and that Police Officer Brian D'Arcy violated Section 2.125 and 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Brian D'Arcy has violated Specifications No. 1 and 2, Sections 2.125 and 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violations Police Officer Brian D'Arcy be suspended for thirty (30) calendar days without pay, commencing Wednesday, November 8, 1978 at 0001 hours, and terminating Thursday, December 7, 1978 at 2400 hours.

(Hearing Cassette on file in the Office of the Police Commission)

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING OF POLICE OFFICER JOHN CHESTNUT, CRIMES SPECIFIC TASK FORCE

The hearing of Police Officer John Chestnut, Crimes Specific Task Force Unit, was called, it having been set for this date. Police Officer John Chestnut was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Off-Duty Intoxication Impairing Ability to Perform Police Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Neglect of Duty Subverting Good Order, Efficiency and Discipline. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Police Officer John Chestnut appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence Wilson, Attorney at Law, appeared as the Prosecutor for the Police Department.

Mr. Bley, on behalf of Police Officer John Chestnut, entered a written and oral plea of "Guilty" to Specifications No. 1 and 2.

The reading of the Charges was waived.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 494-78

DECISION- HEARING OF POLICE OFFICER JOHN CHESTNUT,

CRIMES SPECIFIC TASK FORCE

WHEREAS, on April 27, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer John Chestnut, Crimes Specific Task Force Unit, as follows:

SPECIFICATION NO. 1

a) That at all times during which the incident herein related occurred, the accused was off duty and in civilian dress;

b) That at approximately 1100 hours, July 1, 1977, the accused, with his companion and fellow San Francisco Police Officer, Brian D'Arcy, Star No. 1198, arrived at the Shamrock Tavern, 536 Sixth Street, San Francisco;

c) That from approximately 1100 to 2400 hours, July 1, 1977, the accused was served and consumed approximately fourteen (14) drinks of alcoholic Beverage in said tavern;

d) That at approximately 0130 hours, July 2, 1977, the accused and Officer D'Arcy entered Fred's Liquor and Grocery Store, 143 Sixth Street, San Francisco, and made a purchase of two six-packs of beer;

e) That while inside said liquor store, a verbal altercation took place among the accused, Officer D'Arcy, one John Robinson and other unidentified male patron or patrons;

f) That the accused and Officer D'Arcy while continuing the verbal altercation, accompanied, followed, or pursued Robinson to a pay phone booth at Sixth and Howard Streets where Robinson placed a call requesting police assistance;

g) That before said call could be completed, a struggle ensued between the accused, Officer D'Arcy, and Robinson, who was unarmed;

h) That in the course of said struggle

1) The accused drew his unloaded pistol and pointed same at Robinson;

2) The accused was struck on the head with a bottle by an unidentified male in the vicinity;

3) A pistol belonging to and in the possession of Officer D'Arcy fell to the ground;

4) Robinson retrieved the pistol belonging to Officer D'Arcy and shot him in the leg;

i) That a sample of the accused's blood, drawn at 0210 hours, July 2, 1977, showed a blood-alcohol level of .27;

j) That the accused admitted to being intoxicated and could not, therefore, recall anything that occurred in the liquor store;

k) That by reason of the above stated conduct, admissions, and blood-alcohol level, the accused was under the influence of an intoxicating liquor and was, therefore, rendered incapable of exercising police powers in a calm, deliberate, and efficient manner;

l) That the accused did, therefore, violate Section 2.125 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.125 (A member) shall not, while on duty, or in uniform, drink any kind of intoxicating liquor, or whether on or off duty be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate, and efficient manner."

SPECIFICATION NO. 2

a) That all the allegations in paragraphs (a) through (h) of Specification No. 1 are incorporated herein as though fully stated;

b) That the conduct of the accused and Officer D'Arcy, both separately and jointly, was so haphazard and clumsy that Robinson neither was subdued, apprehended, or arrested, nor was the situation brought to a satisfactory conclusion;

c) That by virtue of such neglect of duty, the accused subverted the good order, efficiency and discipline of the department in violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof, or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 1, 1978, and that on Wednesday, November 1, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the charges made and filed against Police Officer John Chestnut, Crimes Specific Task Force Unit, as contained in Specifications No. 1 and 2, are sustained by the evidence presented at the hearing and that Police Officer John Chestnut violated Sections 2.125 and 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer John Chestnut has violated Specifications No. 1 and 2, Sections 2.125 and 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violations, Police Officer John Chestnut be suspended for thirty (30) calendar days without pay, commencing Wednesday, November 8, 1978 at

0001 hours and terminating Thursday, December 7, 1978, at 2400 hours.

(Hearing Cassette on file in the Office of the Police Commission)

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CORRESPONDENCE

Commissioner Siggins: "What about this item from the Board of Supervisors to the Commission?"

Chief Gain: "Yes sir, they asked the Commission to entertain an increase in fines for violation of parking regulations essentially double parking and I recommend to the Commission that we respond that at this time because of the number of citations being issued that we wait an appropriate length of time, 6 months or even a year before asking for an increase in the parking fine. And here is why I make that recommendation, that in regard to the parking violations, double parking, in particular, that is of concern, we have increased citation writing for that violation so substantially that we feel with the present $10.00 fine that we will accomplish more compliance. For example, we are now issuing about 3,000 tickets a month, whereas it was about 700, so this is what's happening with these parking violations. (Using a graph to illustrate) Here is the three thousand line so that for the month of September there were 3,555."

Commissioner Siggins: "That's loading and unloading, yellow zones, this is what they are talking about?"

Chief Gain: "Yes, it's double parking."

Commissioner Murphy: "What about bus zones?"

Chief Gain: "Bus zones are included."

Commissioner Murphy: "Well, bus zones are more than $10.00, aren't they?"

Chief Gain: "Well, this is double parking and we feel that this is a substantial increase. It has gone from 700 and it has been going up all the way. It has gone up to 3,000 and with the $10.00 fine we

are going to get the compliance that we need. So if we had 6 months, we will determine then how bad the double parking thing is."

Commissioner Siggins: "Well, how are we going to answer this then Chief? I will go along with that, I do agree with that."

Commissioner Murphy: "I think that's fine except that if you get $10.00 and people start paying it, it doesn't really mean very much. I know that you constantly see cars parked in bus zones aside from the double parking and if you put that at $50.00 they might not park there."

Chief Gain: "Well, this is mainly...this is double parking."

Commissioner Murphy: "Well, double parking is one thing, but the bus zone parking is another very important thing, certainly for senior citizens and people who are handicapped."

Chief Gain: "This is only for 22500(h) of the Vehicle Code which is strictly for double parking. That is the issue here."

Commissioner Murphy: "The issue is parking in bus zones too. Molinari in the papers said it was, and I agree with him. I am not suggesting we not cite double-parked cars and trucks, I am saying also cite vehicles parked in bus zones."

Commissioner Siggins: "Well, the letter talks about the double parking."

Chief Gain: "Well, we request a response that at this time we are writing 3,000 citations or about 3,500 and we think we ought to wait. I suggest to the Commission say for 6 months to evaluate then what the effect is on double parking to see if it is reduced before we increase the fine. That is what I would suggest because that is a substantial increase."

Commissioner Murphy: "It's a substantial increase in citations, but the citations are only given when people are double parked and I doubt if it is going to cut down much on the double parking, if for several months you get three thousand then I don't think we have to wait 6 months. Now maybe they won't care if it is $25 or $50 but if you really want to stop it, I think you have got to get more money in there. I will go along with watching it for three months."

Chief Gain: "Well, whatever the Commission decides."

Commissioner Toler: "I will say 6 months."

Commmissioner Murphy: "Why 6 months, it has been going on for 6 years or 60 years."

Commissioner Sanchez: "Six months to find out how we are doing."

Commissioner Murphy: "Well, I would rather have it three months."

Chief Gain: "How about 4 months?"

Commissioner Murphy: "I will buy 4 months."

Commissioner Siggins: "Okay. Four months."

Commissioner Toler: "I move we adjourn."

The Commission adjourned its meeting at 1945 hours.

SECRETARY

8 NOVEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 8, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Siggins

ABSENT: Commissioner Toler

DEC 12 1978

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Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Commissioner Ciani advised the Commission that the Commission had received a letter from Supervisor John Molinari requesting that the request for a yellow zone at 851 California Street be re-considered for reasons that he stated in his letter. She said apparently the applicants would have been at the meeting when it was first heard if they had thought it was going to be recommended for disapproval before the Commission. The applicants, according to the Supervisor, were told that it was going to be recommended for approval and they then felt it would not be necessary for them to appear. The Commission then decided to put it back on the calendar for next week's meeting.

Officer Hardeman of the Traffic Survey Department, then informed the Commission that the applicants on item 10, 710 Montgomery Street, the Art Gallery, are requesting a one week continuance to allow them to appear and appeal the Department's recommendation of denial for a 22' yellow zone. The Commission then continued the matter for one week.

Item #9 of the Traffic Calendar was heard and Mr. Steve Schumaker appeared and offered testimony in his behalf for the requested zoning. After listening to Mr. Schumaker, and then to Officer Hardeman on behalf of the Department, the Commission concurred with the Department's recommendation for denial.

The Consent Calendar was then unanimously approve.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and

the same is hereby approved:

701 CHESTNUT STREET at Columbus-BIMBO'S 365 CLUB -DENIED

a) At 701 Chestnut Street, install a 100' white zone, to extend 100' west of east property line. DENIED

1868 GREENWICH STREET at Octavia -THE CHILDREN'S PLACE PRESCHOOL

a) At 1868 Greenwich Street, install a 16' white zone, extending from east property line 16' west of same.

728 VALLEJO STREET at Stockton - THREE STAR BRAND RICE COMPANY

a) At 728 Vallejo Street, install a 22' yellow zone extension 22' west from present yellow zone.

b) Remove meter 116.

1400-18th STREET - MARY PRICE FLOWER SERVICE

a) At 1400-18th Street, install a 22' yellow zone, to extend from 7' to 29' west of east property line.

APPROXIMATELY 61 BEVERLY - TEMPLE UNITED METHODIST CHURCH

a) At approximately 61 Beverly, install a 44' blue zone, to extend 44' north of north entrance to parking lot opposite 58 Beverly.

365 WEST PORTAL AVENUE - ROSSI & ROVETTI

a) At 365 West Portal Avenue, install a 12' yellow zone diagonal park from 12' to 24' north of south property line.

b) Meter 365 to be removed.

1615 INNES - "A" ACME AUTO DISMANTLERS

a) At 1615 Innes, install a 22' green zone, to extend from west side of

driveway 22' west of same.

2202 JUDAH STREET - S & W REALTY

a) At 2202 Judah Street, revoke existing 21' green zone, extending 21' east of the west building line.

1440-46-50 WASHINGTON STREET - APARTMENT HOUSE-DENIED

a) At 1440-46-50 Washington Street, install a 22' white zone, to extend from 28' to 50' east of west property line.

710 MONTGOMERY STREET - GALLERY PAULE ANGLIM - CONTINUED TO THE MEETING OF NOVEMBER 15,1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 21 feet of green zone, at the part of the City, at the location submitted, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 498-78

FARMERS INSURANCE COMPANY (DON HENRY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmers Insurance Company (Don Henry) against the City and County of San Francisco in the sum of $1,963.50 as

the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 7, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 499-78

DANIEL B. SCHICK, ATTORNEY, FOR FIREMAN'S FUND INSURANCE CO. (INSURED: HUGH COMISKY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel B. Schick, Attorney, for Fireman's Fund Insurance Co., (Insured: Hugh Comisky) against the City and County of San Francisco in the sum of $1,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 6, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 500-78

ST. PAUL PROPERTY AND LIABILITY INSURANCE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of St. Paul Property and Liability Insurance Co., against the City and County of San Francisco in the sum of $691.84 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 11, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 501-78

STATE FARM INSURANCE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance Company against the City and County of San Francisco in the sum of $706.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 30, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 502-78

WESLEY WILKES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wesley Wilkes against the City and County of San Francisco in the sum of $617.96 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 26, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 503-78

MILTIADIS ZAHARIADIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miltiadis Zahariadis against the City and County of San Francisco in the sum of $1,800.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 19, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 504-78

CLAUDIA KIRKWOOD AND TO HER ATTORNEYS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Claudia Kirkwood and to her attorneys in the sum of $400.00 in Superior Court Action No. 721-293 entitled, "Claudia Kirkwood v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 30, 1976

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 505-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Sergeant Anthony D. Ribera Planning & Research	$315.00	(At the Workshop (on the Allocation (and Distribution of (Police Manpower, at (San Francisco, Cal- (ifornia, from October (23, 1978 to October (27,1978, inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 506-78

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD TRUEB, LEGAL OFFICE, AND SERGEANT MICHAEL S. HEBEL, PERSONNEL

AND TRAINING, AT THE 1978 LEGISLATIVE UPDATE SEMINAR AT OAKLAND, CALIFORNIA ON NOVEMBER 20, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard Trueb, Legal Office and Sergeant Michael S. Hebel, Personnel and Training, be detailed to attend the 1978 Legislative Update Seminar in Oakland, California, on November 20, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Lieutenant Trueb, Legal Office and Sergeant Hebel, Personnel and Training, will be paid by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meetings of August 30, 1978, September 6, 1978, September 13, 1978, September 20, 1978, October 4, 1978, October 11, 1978, and October 18, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

CHIEF'S REPORT TO THE POLICE COMMISSION.

Chief Gain: "Mr. President, members of the Commission, three items tonight. One, serious crime for the period of October of last year compared to this is down 7%, and serious crime for year to date, that is January through October of this year, compared to last, is down two per cent. So we are still having some favorable experience with serious crime.

The second item is Proposition W, that was passed by the voters, and in essence, was a declaration of policy by the voters that the District Attorney and the Chief of Police cease the arrest of, and prosecution of,

individuals involved in the culitvation, transfer, or possession of Marijuana. And I have prepared an information bulletin which I intend to issue tomorrow which reviews the measure, its intent as we conclude it to be, and then ending with the enforcement of the laws pertaining to Marijuana, as has been the practice when it comes to cultivation and sale. Those are felony offenses, therefore arrests shall be made. When it comes to unlawful possession only, which is a misdemeanor, the police officers may, as they have been, exercise discretion as regards to effecting arrests or issuing citations where violations occur. Of course, what we are basically dealing with is a policy statement by the voters of San Francisco which clearly gives their intent of ceasing arrests or de-emphasizing arrests, and we must continue arrests because these are state laws as opposed to local ordinances, and therefore, we will continue to do that. I might relate to you that the numbers of charges being filed for Marijuana offenses being a primary charge, there were a total of 922 such charges. There were 824 arrests for possession, 92 for sale, and 6 for cultivation. So, obviously, our primary interest is on serious and violent crimes and we will continue that with appropriate enforcement of these laws.

Then the last comment, Monday, the NAACP held a press conference and it was reported in the media, and I have in front of me a copy of an article from the newspaper which states, incidents, one, where the complainanant was Mr. Paul Roberson, another, a Renee Scruggs and then the third a tragic, Charles James incident.

I deny the charges that were alleged by the NAACP. I had met with them last Friday, and reviewed these incidents and they felt that based upon the fact of mere complaint alone that action should be taken against the officers. And I related to them, which I think they knew anyway, the process that we go through. That is, a person makes an allegation of improper police conduct, we conduct a thorough objective investigation by talking with the complainant, with witnesses, with the officers, and only then can we come to a conclusion as to whether the actions of the officers were improper. Because the assumption is when an officer acts in the ordinary course of duty, it is proper conduct, and it has to be established that the contrary was the case. So I feel, that although I understand their perception about the police actions referred to, it was not appropriate to assume that the police conduct was wrong until investigation took place. In regard to the Charles James death, that occurred some time ago, and we conducted a thorough investigation of that death. It was our conclusion then, after getting all of the facts and reviewing them, that that death was a justifiable homicide under state law, and we do not have an investigation underway as regards to the police action in that matter. That was done, and it appears to us to be very clear under the law that it was justifiable homicide.

Now they are alleging otherwise, and as we know the Justice Department has undertaken an investigation and what their findings are, presumably, will be made known in due time. So we reject an allegation that the police conduct in regard to the Charles James death was improper. It was justifiable homicide in our judgment."

Commissioner Murphy: "What is the procedure now, they bring this suit alleging misconduct, what occurs then?"

Chief Gain: "Well, it would have to be a Civil Suit. The process would be that they would file a claim against the City and then they would pursue the matter in Civil Court. What it states here is that one attorney said they were considering seeking criminal prosecution against the officers. They would go to the District Attorney for that, or they could go to Federal Authorities if they felt they had a basis for doing so.

I would like to say this too, as I stated, I can udnerstand from the perception of the attorneys, because it occurs many times, or others representing their clients, that they will listen to the charges made by the individual and assume the truth of the allegation, and that's the basis then for their saying, well they will file a civil suit, criminal charges, or, as they talked about with me, why not remove the officers from the street. So, in a word then, they believe what their clients are saying. But, obviously, we can't act upon what one person says, that is, the complainant.

In each of these cases there are witnesses involved and they must be talked with to find out what their statements are and there are police officers involved. So at the bottom line, I would state that I do not feel it is appropriate for them to make such broad charges when they don't have the basis, in fact, to do it.

So they simply do not know what all of the facts are. And I have to ask myself, rethorically, whether they didn't have the press conference because it was the day preceding the present Federal Court Trial that is going on, which just seems to be awful coincidental to me."

Commissioner Siggins: "In other words, you explained the whole matter to them on Friday."

Chief Gain: "The whole thing. We spent about an hour and I explained the whole thing, in detail, to them. So they knew what we were doing, we talked about each case and the whole thing. But that is not an unusual tactic.

We are going to find, I might comment outside of this,

that the Federal Trial now alleging discrimination is in process. I think we are going to find, day by day, because it did occur today, there will be allegations made against the police department in general, or specific persons in particular, and I know today in that trial as was related to me, I was made out to be somewhat of a racist by one of the plaintiffs in his opening remarks to the court.

So these type of unfounded allegations will be made and we are going to find outselves in a position that we usually have in regard to this suit that they are made and can go on. As far as response, it is very difficult to respond. I would just hope that it is placed in perspective by the media because I think it was a tragic matter in the past when one attorney representing the plaintiffs kept making allegations against the police department, against which we couldn't defend outselves, and it gives the impression to many people who would tend to believe those type things, particularly absence of any comments by us, that policemen are racists or are conducting themselves in a discriminatory manner. But I guess that is the nature of trials, so we can expect it to go on and on. We will, incidentally, be getting each day, a copy of the transcript of each day's trial, so that can be given to the Commission any time you want it."

Commissioner Siggins: "I would just go back to Proposition W and invite the proponents of Proposition W to go to the legislature with the persuasiveness they used on the voters to adopt Prop. W, for we have no alternative but to carry out the sworn duty of the police officers to uphold the laws of this state and we ask the members of the Department to do so. I heartily approve the bulletin the Department is putting out tomorrow."

Commissioner Ciani: "I wanted to request clarification about something. I had a complaint from a citizen concerning the continued practice of running traffic warrant checks on persons who are stopped for violation of the traffic laws. There seems to be some misunderstanding in the public about the Supreme Court decision and when it is effective. Also, the particular officer involved did not state to the person who raised the question that the decision was not yet in effect, but stated that he was acting within some interpretation of the decision so, one, when does it go into effect, and, two, it might be appropriate in the meantime, to inform the men of the Department what the status is so that they don't misinform the public."

Chief Gain: "The recent California Supreme Court Decision as regards to warrant checks as a result to traffic stops, will go into effect on November 20th, and we now have prepared the first draft of

an Information Bulletin to inform officers of the effect of that decision, which, of course, will be fully complied with. We have deliberately not put anything out under the assumption, which has always been the case in the past, that officers will continue the practices in which they have been engaged when these court decisions come out, until they are told to the contrary. And it is a short period of time before it will come out. One reason we have delayed, we have anticipated that perhaps there would be a...the California Attorney General's Office, among others, would try to prevail upon the Supreme Court to delay implementation of that decision pending a re-hearing. And we anticipated that because there has been talk about doing it. But we will be issuing it as soon as we can, preceeding the 20th, and we can get information out to correct misstatements being made by officers, because nothing, literally, has been put out by us to officers at all so....."

Commissioner Ciani: "I think, in this case, it was reported that the officer said it was okay under the Supreme Court Decision to run the warrant check as long as he didn't detain him inordinately, which was a misstatement."

Chief Gain: "That is not the essence of it at all. We will do something to correct those misstatements."

RESOLUTION NO. 507-78

HEARING OF POLICE OFFICER EDWARD RODRIGUEZ, CENTRAL POLICE STATION

WHEREAS, the hearing of Police Officer Edward Rodriguez, Central Police Station, was called; and

WHEREAS, Stephen Bruce Bley, Attorney at Law, who is representing Police Officer Edward Rodriguez, Central Police Station, has requested that the hearing before the Police Commission be continued to December 13, 1978; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Edward Rodriguez, is set for Wednesday, December 13, 1978 at 5:30 p.m., in Room 551, Hlal of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 508-78

HEARING OF POLICE OFFICER THOMAS DEL TORRE, CENTRAL POLICE STATION.

WHEREAS, the hearing of Police Officer Thomas Del Torre, Central Police Station, was called; and

WHEREAS, Stephen Bruce Bley, Attorney at Law, who is representing Police Officer Thomas Del Torre, Central Police Station, has requested that the hearing before the Police Commission be continued to December 13, 1978; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Thomas Del Torre, Central Police Station, is set for Wednesday, December 13, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 509-78

HEARING OF STATION OFFICER THOMAS O'BRIEN, RICHMOND POLICE STATION

WHEREAS, the hearing of Station Officer Thomas O'Brien, Richmond Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Joseph A. Desmond, Attorney at Law, who is representing Station Officer Thomas O'Brien, has requested that a date for the hearing be set after the criminal proceedings have been disposed of in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Station Officer Thomas O'Brien, is set for Wednesday, November 29, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

HEARING REGARDING GRIEVANCE 75-78 FILED BY PETER CANAAN, SAMUEL OSBORNE AND PATRICK WHITE - CONTINUED FOR ONE WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 510-78

POLICE OFFICER FRANCIS J. MURPHY, CENTRAL POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Francis J. Murphy, Central Police Station, as follows:

SPECIFICATION NO. 1 (2 COUNTS)

Striking a Prisoner Without Lawful Cause or Excuse. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.) September 30, 1976 - September 18 and 19, 1977.

SPECIFICATION NO. 2

Failure to Ensure the Safety of a Prisoner. (Violation of Section 8.179 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to Truthfully Answer Questions Propounded. (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Francis J. Murphy, Central Police Station, be, and the same is hereby set for Wednesday, November 15, 1978 at 5:30 p.m, in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

The Commission adjourned its meeting at 1825 hours.

SECRETARY

15 NOVEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 15, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

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PRESENTATION OF THE MEDAL OF VALOR AWARDS AND CERTIFICATES

Commissioner Siggins: "Commissioner David Sanchez presided over the Awards Committee meeting a few weeks ago and made a presentation to this Commission wherein he recommended to the Commission the awarding of 11 Gold, 10 Silver and 8 Bronze Medals and this is the highest number of Awards, in recent memory, that the Commission has approved. So with great pleasure I turn the meeting over to Commissioner David Sanchez for the presentation."

Commissioner Sanchez: "Thank you, President Siggins, I will make my comments very brief. It, indeed, was a personal honor for me to serve on the Committee and as Chairperson pertaining to the Medal of Valor Awards. And as noted by the President, this is, I believe, the first time in whatever that so many men were awarded such medals of valor. We, as stated, had 8 Bronze, 10 Silver, and 11 Gold. The Committee process per se, I felt, was one of great integrity and objectivity, and I have sat on numerous committees both in reference to promotions and awards in the service and also at the University and this is one of the finest group of distinguished people I have ever sat with. At this point I would like to turn it over to Sergeant Frazier so we can proceed with the presentation of the Medal of Valor Awards to the men and their families."

Commissioner Ciani: "I would like to say something about the financial awards first. We generally announce for the benefit of the families who are present that there is a financial stipend that goes with each of the Medal of Valor Awards and the checks usually follow promptly after the ceremony."

The Awards Recipients were called as follows:

Lieutenant Michael A. Brush.....Gold Medal

Sergeant Richard C. Kazarian.....Gold Medal

Police Officer Richard J. Cairns.Gold Medal

Police Officer Michael P. Lawson.Gold Medal

Police Officer Frank A. Palma....Gold Medal

Police Officer Thomas P. Walsh...Gold Medal

Captain George P. Jeffrey.....Silver Medal

Police Officer Peter H. Godbois..Silver Star

Police Officer Peter H. Godbois..Silver Star

Police Officer Thomas J. Griffen.Silver Star

Police Officer Joseph C. Kirley..Silver Star

Police Officer David Roccaforte..Silver Star

Police Officer Richard G.
Sheehan.....Silver Medal

Assistant Inspector Gurnie L.
Cook.....Bronze Medal

Police Officer Samuel R. Osborne.Bronze Medal

Police Officer James E. Ludlow...Bronze Medal

Police Officer Thomas M.
Heffernan.....Bronze Star

Police Officer Robert C.
Hernandez.....Bronze Star

Police Officer Vincent P.
Repetto.....Bronze Star

Commissioner Sanchez: "Just one footnote if I might, we would like to again commend all of the Officers this evening for receiving these awards and more importantly also thank their families for supporting them in their work as a part of their day to day lives. We thank you all for attending this very small and informal ceremony but it is something that definitely means a lot to all of us on the Commission and the City and County of San Francisco. We thank you again."

RECOMMENDATIONS OF THE TRAFFIC BUREAU

851 California Street and 710 Montgomery Street

were continued to the meeting of November 29, 1978.

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

990 BAY STREET - 990 BAY APARTMENTS

a) At 990 Bay Street, install a 26' white zone, to extend from 20' to 46' east of west property line.

775 FOLSOM STREET - AMERICAN TELEPHONE & TELEGRAPH

a) At 775 Folsom Street, install a 30' green zone, to extend from 166' east of west building line to 196' east.

751 FOLSOM STREET - AMERICAN TELEPHONE & TELEGRAPH

a) At 751 Folsom Street, install a 36' green zone, to extend from east property line 36' west of same.

795 FOLSOM STREET - AMERICAN TELEPHONE & TELEGRAPH

a) At 795 Folsom Street, install a 60' white zone, to extend from 106' east of west building line to 166' east of same.

591 UNION STREET - ROSSI PHARMACY

a) At 591 Union Street, install a 19' green zone, to extend from west property line 19' east of same.

1250-4th AVENUE - AMERICAN DIABETES ASSOCIATION

a) At 1250-4th Avenue, install a 22' white zone, to extend from north building line 22' south of same.

1600 STOCKTON STREET - ROSSI PHARMACY

a) At 1600 Stockton Street, install a 22'

green zone, to extend from 5' to 27' north of Union Street.

b) Install 15 minute green meters.

c) Revoke existing 22' white zone at this location.

351-8th STREET - WYMEN FOORMAN CO.

a) At 351-8th Street, revoke existing 28' green zone, extending from 7' to 35' south of south building line.

1600 STOCKTON STREET - ROSSI PHARMACY

a) At 1600 Stockton Street, revoke existing 22' white zone, extending from 5' to 27' north of Union Street. Recommend two 15 minute meters.

2201 VALLEJO STREET - SCHOOLS OF THE SACRED HEART

a) At 2201 Vallejo Street, revoke existing 160' white zone, extending from 10' to 170' west of Webster Street.

300 SENECA - SAN MIGUEL SCHOOL

a) At 300 Seneca, revoke existing 188' white zone, extending from 9' to 197' east of San Jose Avenue.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 570 feet of green and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 511-78

CALEB V. EAKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Caleb V. Eaker against the City and County of San Francisco in the sum of $156.64 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 17, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 512-78

MELVIN A. MOSES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melvin A. Moses against the City and County of San Francisco in the sum of $23.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 513-78

THOMAS REDWOOD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Redwood against the City and County of San Francisco in the sum of $30.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 514-78

NOEL S. ROSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Noel S. Rosen against the City and County of San Francisco in the sum of $23.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 17, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 515-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Lieutenant Richard D. Klapp Personnel & Training	$80.00 each	(At the Post Basic (Course Revision Consortium Committee (Workshop, at Sacramento, California, (on November 2, 1978 (and November 3, 1978, (inclusive.
Sergeant Michael S. Hebel Personnel & Training		

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 516-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expnese Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program,

be,and the same is hereby approved.

Sergeant Victor M. Wode Police Range	$458.50	(At a Firearm Instructor Course at Pittsburg, California from October 23, 1978 to November 3, 1978, inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 517-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved.

Inspector Margaret Hartman Investigations Bureau)	$215.00	(At the Women Peace Officers' Annual Training Institute at Riverside County Regional Academy from November 2, 1978 to November 4, 1978, inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 518-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses in attending the below-indicated program, be, and the same is hereeby approved.

Police Officer John T. Murphy Crime Prevention Education Unit	$800.00	(At the California Crime Prevention Institute at Pomona, California from October 8,1978 to October 20,1978, inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meeting of October 25, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, and members of the Commission, first of all I would like to introduce to you Mr. Robert Byrne, our new senior attorney in the Legal Section. He is the first person hired under our personnel conversion program. He will supervise the other two attorneys that we have in our Legal Section. Mr. Byrne is a graduate of U.C. Berkeley. He worked in the D.A.'s Office in San Francisco from 1970-1972 and most recently has been in private practice in San Jose. So now we have three attorneys and we are going ahead."

Commissioner Ciani: "Well you have good qualifications, we are glad to have you aboard, welcome."

Mr. Byrne: "Thank you very much."

Chief Gain: "You will be seeing each other frequently. The second thing I would like to report to the Commission is the status of our Budget Planning for next fiscal year. We have been working on the budget and we will submit to the Commission the Staff Budget recommendations by December 13, at the latest and then there will be a one month period before the Commission will have to submit it to the Mayor's Office during which time the Commission can deliberate, of course, as previously, meet and confer with the POA as may be necessary, and have a public meeting if the Commission chooses on the budget. I might comment that in accordance with teh budget instructions this year, all city departments are submitting budget increments. Our base budget is 83% of the current fiscal year budget. The next increment is 88%, then 92%. The top is 95%, so that city departments cannot submit to the Mayor's Office more than 95% of current fiscal year budget. We can, of course, anticipate that we might get more, later, on a budget of whatever top figure, but that can't be submitted."

Commissioner Murphy: "What are you anticipating as being the base figure to work with now Chief?"

Chief Gain: "Eighty-three per cent, that's the base, 83% of current fiscal year funding. And the next one is 88%, 92 and 95. That's about what we did for the current fiscal year, as you recall, when Prop. 13 came about, we had to submit budgets in these similar type increments then."

Commissioner Murphy: "What are they major elements that you're requesting in the budget at this point?"

Chief Gain: "Personnel. Which is always really the major element because a majority of our budget is personnel."

Commissioner Murphy: "Well, I know, but what kinds of personnel? Are we going on with the civilianization, if that is the word?"

Chief Gain: "Well, what we plan to do is, at 95% the top amount that we can submit, we will retain our conversion program, all 87 positions, for full funding for the next fiscal year and by doing that it will result in some reduction in hours of work of police personnel. That's what we are doing right now. Of course, this is all subject to discussion as we go along. We are not asking for any new personnel at all, not any additional new personnel."

Commissioner Murphy: "Either sworn personnel or civilian?"

Chief Gain: "Not at this point. We simply can't do it, because when we have to reduce hours to comply with the 95% top funding request then we can't ask for any new personnel, no."

Commissioner Murphy: "What about the Office of Civilian Complaints?"

Chief Gain: "That's going to be up to the Police Commission. The Staff will be submitting to you in it's budget a proposal to fund the Hearing Officer function only at approximately $50,000."

Commissioner Murphy: "That is what we did last year too, wasn't it?"

Chief Gain: "Well, eventually the Commission submitted the whole OCC Staffing component to the Mayor and the Board of Supervisors. The reason we are opting to submit only $50,000 for a Hearing Officer is basically because if we ask for more employees to replace police officers, that would require additional request for additional employees and we don't

see realistically at a 95% funding level how we can do that. We don't think we would ever get it. But that would be up to the Commission after we submit the budget whatever your direction may be."

Commissioner Murphy: "I am sorry, but I am not clear, I thought we were requesting at the 83% level of the current budget and then if we add up to the 95% then what does that....."

Chief Gain: "No, what we are doing is we are submitting the base budget, so called, at 83% funding level, we have to do that, that is a base budget. Then we are going to submit three increments, the next one will be 88% funding, the next 92% and then 95%. We are going to submit at all of those levels, but the base budget is 83%. That is what we did last time. So that if because of Prop. 13 we don't have, the City doesn't receive bail-out money again, then the budget process as it goes forward can be set at any one of these funding levels based upon the amount of monies available to the city to fund the various departments."

Commissioner Murphy: "And none of those levels include any part of the OCC program except the Hearing Officer, is that correct? And which level does that include? At the 83 or....."

Chief Gain: "Oh, we put that at every level. Actually, it is only $50,000 and if we are squeezed hard enough we might drop it out, but right now we are going to include it all the way through."

Commissioner Toler: "What is the deadline for the submission of the budget?"

Chief Gain: "To the Mayor's Office from the Commission, on January 15th."

Commissioner Siggins: "I think I can point out to Commissioner Murphy that the Mayor's Office was looking at 10 departments for a possible conversion to a program perforamnce budget and they are going to use that in four departments but not the police department. We will be considered at some later time. It is the first time that they have inferred they were going to use that type of budget and I have forgotten which four departments they are, but there is a letter that will be sent in this regard."

Commissioner Murphy: "It would be great if we could get it throughout the city."

Chief Gain: "I might mention that we were asked if we wanted to go into program budgeting for next fiscal year and we chose not to because we would have had to do two things at one time, make a line item budget then train all of our personnel in program budgeting and then make out a program budget in addition to a line item budget, because the Charter, of course, calls for a line item budget and we felt because of, really, our personnel restraints, that we couldn't possibly do those two things at one time. So, fiscal years after the next one, we will hopefully be involved and be submitting programmed budgets. And hopefully, the Charter is going to be changed too so that we will have program budgeting and get away from the line item budget."

Commissioner Murphy: "I would like to ask about that, where are our recommendations for the Charter Commission now that we have one, have we come up with any? This should be number one (1) this business of line item budgeting which is the most archaic thing that is possible to have."

Commissioner Siggins: "Let me make a suggestion that we all be supplied a copy of the last draft of the revised budget that was submitted to the voters and was turned down. And I think, I will bet you that the new Charter Commission starts out with that to a certain extent. We can get a copy of that and maybe have it outlined, the potential areas where the police department would be changed or modified from the present."

Commissioner Murphy: "But there are some items in the Charter that really affect all departments, one of them is this line item budget among other things."

Commissioner Toler: "Chief, when are you anticipating having a copy of the budget in our hands?"

Chief Gain: "By December 13th, at the latest. What our budget is going to consist of is basically, personnel. What we have now is not going to be in our budget. It is really going to be a bare bones budget. Not any additional request for any personnel whatever, it is going to be a very simple budget."

Commissioner Siggins (Referring to Commissioner Toler): "As he carries it around on his plane trips they will think it is a copy of the new rules or the new rudiments of the National Football League."

Deputy Chief Mullen: "We will have by Friday, a scratch sheet of the major lines as proposed at this level. Staff level."

Chief Gain: "We will give you the spread sheet next week the initial thing and you can look at that."

Commissioner Murphy: "That's what I would like to see, because if you come up to December 13th, which is a Wednesday, and we will have had no opportunity to really look at it or study it, or anything like that, and if you expect some discusssion of it, we ought to have it before hand."

Chief Gain: "As I say the 13th is the latest, we are going to get it to you as soon as we can."

Commissioner Murphy: "Yes, but if you expect some discussion of the budget on the 13th we better have it before then."

Chief Gain: "We don't expect any discussion then. We will submit it to you and then you can determine when it is going to be discussed. I might say, of course, that I reflected what the Staff is going to be submitting to the Commission, should the Commission decide that you want anything in the budget now then you so direct us, of course, and we will put it in the budget and then discuss it."

Commissioner Siggins: "Yes, I think we understand that. If anybody wants to go into the, for instance the OCC, they can."

Commissioner Murphy: "Well, I would like to request that a portion of that include, and I don't know how to express this but our request should include an Office of Civilian Complaints along the lines that we presented it last year."

Chief Gain: "Well, I would request of the Commission that whatever direction the Commission gives us that we should do it by resolution."

Commissioner Ciani: "Well, we have all of the figures that we need from previous years and we should discuss as a matter of policy whether we want to include it, but I don't think we need any further figures or data from the Department."

Commissioner Murphy: "No, but you have to have a place where it would fit into the budget with the figures which have changed somewhat I guess."

Commissioner Ciani: "Well, you could just give us that supplemental sheet that we had last year when we had that as an alternative."

Commissioner Murphy: "Plus a resolution."

Commissioner Ciani: "I was just wondering about things like the extended work week, is that going to be a major component of the budget again?"

Chief Gain: "No, not for the next fiscal year. That was an urgency measure this fiscal year and it will not be for next fiscal year, because the issue there was having overtime funds for the extended work week because of a shortage of personnel. So that applied just to this fiscal year."

Commissioner Ciani: "In other words, you don't anticipate the shortage next year?"

Chief Gain: "Oh sure, we will have the shortage for two years, for a long time. But we are not going to at this point be requesting that money in the budget simply because it would result now in a further reduction of work hours of present personnel."

Commissioner Murphy: "Well, we can at least request a supplemental budget item if it is needed, couldn't we?"

Chief Gain: "We could try it. I might say this of course, that we are also, in the planning process, going to be making up some budget request justifications to go beyond the 95% should money become available later. We will be doing that too, but that will not be a formal part of the budget package."

Commissioner Sanchez: "Basically, we are talking about the authorization process whereby we request ex number of funds for line abc and d for the usual line items of your program budgeting or whatever. Do we have any on-going data showing this is maybe the sixth month of the calendar year, whatever, or our fiscal calendar saying that in reference to line abc and d we have utilized 40% of funds in this area which means in essence, that we have to either slow up or else compensate in line b. You mentioned at the last meeting that a number of positions, as far as supportive secretarial staff, were not being filled. So this means that as far as utilization for the appropriation itself, that maybe ex numbers of dollars would be carried over, over ex number of months. Do you think we may have a, perhaps, brief summation of the major division and areas prior to our having any sort of discussion about what the priorities might be at perhaps 85% or 88% or 95, so this way we have an idea of perhaps actual utilization, and if as an example, some items have not been utilized, then if we could have a brief state-

ment as far as why, because of Civil Service, etc., etc., because of whatever, and so this way we have a better understanding of the actual fiscal utilization during the fiscal year rather than just the appropriations and authorization part. If basically, it's possible."

Chief Gain: "Oh, we are right up to date so we can get that to you, probably mail it out to you next week. It's no problem, we know precisely where we are in expenditures and everything."

RECEIPT OF PROPOSED DEPARTMENT GENERAL ORDER ESTABLISHING EMERGENCY (CODE 3) DRIVING REGULATION AND PROCEDURES. (CONTINUED FROM THE MEETING OF OCTOBER 18, 1978) - CONTINUED ONE MONTH - DECEMBER 20, 1978.

Chief Gain: "Mr. President, we still have not resolved that with the POA, we are having a little difficulty in getting meetings, but in due time we will have meetings and be able to resolve it."

The Commission then continued this matter for one (1) month.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

MATTER OF PATROL SPECIAL BEAT #46 RE: CLAIM OF MRS. ERMA JEWETT, TO BE REPRESENTED BY ATTORNEY JERRY E. BERG. (CONTINUED FROM THE MEETING OF NOVEMBER 1, 1978) - CONTINUED OFF CALENDAR.

Commissioner Siggins: "As we left it last time it was my understanding I think that we were going to have or get some type of an evaluation of that particular beat back in 1970 or 71 and it's worth as of today."

Lawrence Wilson: "What has occurred since the last meeting is that the attorneys for the two parties had had a couple of phone conversations and had not been able to come to an agreement. There has been no submission of information to the Department by Mr. Torres, but early this evening in the hall the parties and their attorneys have agreed in principal, and I don't see any problems with perpetuating the agreement, to a sale of the

beat to the highest offer. I think both parties have some people who are interested. Those potential purchasers would be allowed to examine the books and the proper papers would be prepared and a purchaser selected and the procedures of the Department would be followed and the proposed sale would be submitted to the Police Commission for its approval. The parties have agreed to split the proceeds from the sale 60% to Mr. Torres and 40% to Mrs. Jewett. My suggestion is that this certainly appears on its face, to be equitable. The parties have agreed to it and we see no reason why the Department shouldn't approve it and it leaves us without any possibility of litigation from either party. Again, this is an agreement in principal, and I don't see any reason why it can't be worked out in detail."

Commissioner Siggins: "Well then, in other words, there would not have to be anything done tonight unless somebody made objections to this type of solution, because I think when this was just put together, these ideas of settlement, right outside the door here, some things might have been forgotten or haven't been thought through."

Jerry Berg: "Exactly, and we want to have an opportunity to write it up so that we are totally clear on the procedures for doing this, but Mr. Wilson does state accurately our views."

Commissioner Siggins: "Did I understand that Mr. Wilson said that both parties had potential buyers?"

Jerry Berg: "I can only speak for Mrs.Jewett, and we have been approached by one person who is the present owner of another beat, so he would definitely qualify."

Commissioner Siggins: "Yes, because some of these particular sales show the beats have required financing and so forth."

Mr. Wilson: "Perhaps some sort of proposal for the sale could be presented to the Police Commission in the next couple of weeks, or whenever it can become effectuated, because they will have to draft the papers and perhaps Officer Rolovich will have to advise them. Officer Rolovich was involved in the discussion outside."

Officer Rolovich: "Both parties seemed to agree on it, and I explained to them exactly what the procedure is and once they make an agreement between themselves, they then present the papers properly. The papers will then be properly screened before they are presented to the board."

Commissioner Siggins: "Okay, Mr. Torres has made an agreement with this Commission here that he was going to turn over the figures and it sounded as though that was going to be done the next morning

or so."

Mr. Arnaud: "Mr. President, all those papers... in discussing the matter with Officer Rolovich, as a matter of course and necessity, all of those papers are submitted to the Police Commission. Not only the list of clients, but also the list of amounts and we have discussed that in detail and prior to the Commission's approval all of those papers and figures will be submitted."

Commissioner Ciani: "I suppose it is a technicality to ask this question, but who is the transferor?"

Jerry Berg: "We expect to work that out."

Mr. Arnaud: "That is not a technicality. We presume that the papers will be written in both parties name. Mr. Berg and myself are going to be privy to all of the negotiations and it is a valid point, it has been the subject of some discussion already, but it is not an insurmountable problem."

Commissioner Siggins: "The"quick claim" type of transaction."

Mr. Arnaud: "Possibly something along those lines."

Commissioner Siggins: "Okay, well that resolves it for now. I take it that really it would be continued now until Mr. Berg wants to put it back on calendar because you are actually moving both parties."

Jerry Berg: "Yes, I am willing to continue it, presuming that we have an alignment on an agreement and we can put it in writing and if we can secure a buyer, I think rather than put a date on that we could just continue it indefinitely. If it falls apart, I will be back."

Commissioner Siggins: "Yes, I would think that you would be the one that would be back."

Commissioner Sanchez: "I hope this is not going to be another 5 or 6 years though."

Commissioner Murphy: "Five or six weeks would be more like it."

Commissioner Siggins: "Alright, but actually pending that proposed solution the matters Mr. Berg brought before the Commission asking that his client

be declared the owner of the beat shall be continued off calendar. And the record should show that the Commission hasn't made any determination on Mr. Berg's request."

RESOLUTION NO. 519-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION FOR CIVILIAN OVERTIME IN THE AMOUNT OF $18,000.00

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $18,000.00 as follows:

355016-0010	Permanent Salaries-Miscellaneous-regular	$18,000.00

and credit it to the following appropriation in the amount indicated:

355016-0100	Overtime, Miscellaneous-Permanent	$18,000.00

to provide funds for civilian overtime pay in the Police Records preparation section.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 520-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION FOR EXTENDED WORK WEEK (EWW) PROGRAM, SECOND INCREMENT

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of $400,000.00 as follows:

355016-0200	Permanent Salaries-Uniform Force	$400,000.00

and credit it to the following appropriation in the amount indicated:

355016-0131	Extended Work Week-Uniform Force	$400,000.00

to provide a second increment.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING REGARDING GRIEVANCE 75-78 FILED BY PETER CANAAN, SAMUEL OSBORNE AND PATRICK WHITE.

Sergeant Frazier: "I received a phone call this afternoon from Officer Jack Ballentine of the POA who requested that the Commission continue this matter at the convenience of the Commission."

Commissioner Murphy: "Why?"

Sergeant Frazier: "He stated that Sergeant Crowley, the POA President, was out of town and down in Phoenix, Arizona, and of course, their attornies are still tied up with the OFJ case and could not be present tonight."

Commissioner Siggins: "Well, first of all, we get a letter from Officer Chignell and then we get discussion from Officer Schlink and then now Crowley has to be here. Well, they wanted it right away and we offered it to them. It seems to me every time they say we haven't done anything and they ask us to do it right away, and we accommodate them, then they take it off their calendar. But if we don't do it for some reason for us, then we get blasted."

Commissioner Ciani: "I don't know why we should re-schedule this. Why don't they ask us when they are ready to go ahead to re-schedule it?"

Chief Gain: "I recommend we just take it off calendar until such time as they submit a request to hear it."

Commissioner Siggins: "Okay, we will continue it off calendar. How many times have we carried it now?"

Sergeant Frazier: "This is the third time."

Commissioner Siggins: "Off calendar."

RESOLUTION NO. 521-78

SETTING OF DATE FOR THE HEARING OF POLICE OFFICER FRANCIS J. MURPHY, CENTRAL POLICE STATION.

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Francis J. Murphy, Central Police Station, was called; and

WHEREAS, Mr. Lawrence Wilson, stated that Mr. Stephen Bruce Bley is the attorney for Police Officer Francis J. Murphy, and that Mr. Bley would prefer to be present at the setting of the date for the hearing; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Francis J. Murphy, Central Police Station, is set for Wednesday, November 29, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

The Commission then adjourned its meeting at 1955 hours.

SECRETARY

22 NOVEMBER 1978

No Police Commission Meeting was held on this date.

DEC 19 1978

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29 NOVEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 29, 1978 at 1730 hours. in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

DEC 19 1978

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APPROVAL OF CONSENT CALENDAR - CONTINUED ONE WEEK

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

APPROVAL OF MINUTES OF THE MEETING OF NOVEMBER 1, 1978, THE COMMISSIONERS AND CHIEF HAVING RECEIVED, AMENDED AND RETURNED COPIES OF SAME - CONTINUED ONE WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION - CONTINUED ONE WEEK

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REQUESTING APPROVAL OF PROPOSED DEPARTMENT GENERAL ORDER PERTAINING TO COURT DETAILS (SENT TO EMPLOYEE ASSOCIATIONS ON NOVEMBER 14, 1978) - CONTINUED ONE WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING OF PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT - CONTINUED ONE WEEK

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING OF STATION OFFICER THOMAS O'BRIEN, RICHMOND POLICE STATION - CONTINUED ONE WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

SETTING OF DATE FOR THE HEARING OF POLICE OFFICER FRANCIS J. MURPHY, CENTRAL POLICE STATION - CONTINUED ONE WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

NOTIFICATION OF A SHOW CAUSE HEARING IN THE MATTER OF SERGEANT BURTON J. BISHOP, FIELD OPERATIONS BUREAU - CONTINUED ONE WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins: "It was the sense of this Commission that we should meet tonight despite the tragedy of the week, recognizing the fact that city government must go on. It was the duty of our Secretary though, to ask people if they wanted to move things over to another time so that for tonight, the Calendar is actually cleared.

At this time I would like to make some comments. George Moscone was a friend fo the Police Department from the very beginning. His direction to me, at the time that he asked me to join his administration on the Police Commission, was that he wanted to have the finest Police Department in the country. He had no complaints about the department as it stood, but he said, 'I want it told to me that my Administration has the finest Police Department in the country.' There was not an item on the agenda that came before us over the years that the Mayor was not interested in and did not keep himself aware of. He loved the Police Department. I think, maybe, we can say this, and maybe it can be considered off the record, but he told us that this Police Commission was his pet Commission. The first act of government that he performed in his Administration was to appoint the Police Commissioners. The appointments he made at that time were the first appointments of his administration, and he was very proud, continually proud of his appointments to the Police Commission. I don't know, but I suspect that no other Mayor attended classes at the Police Academy as did George Moscone. He never missed an academy graduation, except on one time when he was called by the President to go to Washington, and he left that afternoon. He personally

delivered to me the speech that he was going to give and asked me to read it, and he said that he would not miss another graduation. He, personally, knew many, many members of the Police Department by name. It astounded me that he could remember so many of them.

I don't mean to prolong this, but I do want to compliment the actions of the Police Department this week in the face of the tragedy. They just did a splendid job. The two people that are assigned to the Mayor have done such a good job with the family that his widow has asked that they become pall bearers, which would indicate the close attachment that the family has had with the Police Department. I have nothing else to add at this time, but I would ask the other Commissioners if they would, how about you Commissioner Murphy?"

Commissioner Murphy: "I have two statements that I would like to make. I had not known Harvey Milk very long -- only a few years, but I had come to like him immensely. I admired his intelligence, his courage, and his marvelous sense of humor. We were to go to the Democratic Mini-Convention in Memphis this December 7th. We were both delegates from the 5th Congressional District. I will still go and I will do everything I can to carry out Harvey's agenda at the meeting, whatever that may be. I will always treasure his friendship.

Although I have known George Moscone for many years, some 12 years ago I became an ardent admirer and staunch supporter. That was when he was the State Senator from San Francisco. I was head of the San Francisco Office of the State Department of Social Welfare. There was never any proposed legislation benefitting the poor, disabled or the disenfranchised people of this State that did not get the support of George Moscone, which frequently was the support needed for passage. His compassion for people was boundless. He was a fine man and a trusting man. No wonder he was so beloved by me and so many others. I grieve with his family and all of San Francisco."

Commissioner Toler: "I would just like to echo the remarks of Commissioners Siggins and Murphy regarding the City's great tragedy. I did not know Supervisor Milk very long or very well, but I did know the Mayor. I have known him for many years. As President Siggins said, he (Mayor Moscone) loved this department, and he loved the City, and he loved the people of the City. There is no question about it, we will miss both Mayor Moscone and Supervisor Milk. I don't know what to say. In fact, when I heard of this tragedy on Monday, I was absolutely shocked. I couldn't believe it, and to this day, I am still really lost for words as to what has happened to all of us, not only in this department, but the entire City and County of San Francisco. We will miss them both and my heart goes out to their families and to this Community."

Commissioner Sanchez: "If I might, I would just add to what has been said by my fellow Commissioners. Both men were friends of this Commission and personal friends of many of us here. They both exhibited the true grain of San Franciscans. They continually demonstrated above and beyond, their concern, their committments, and finally this ultimate sacrifice. I think that, somehow, San Franciscans of all diversities, as we are, will always treasure not only their words, but their deeds of actions towards full representation and accountability in the City. And now, perhaps, is the time we will all work as San Franciscans, rather than our sub-set groups as we have over the years because of the ultimate sacrifice of both of these men. We have lost two outstanding leaders and may they rest in peace."

Commissioner Ciani: "I am rarely at a loss for words. A lot of words have been said, but I can't think of any that adequately express the way I feel. I don't think that history will remember any of the words that we say, but I hope that the memory of these two wonderful men will live on in the hearts of San Franciscans for a long time to come."

Commissioner Siggins: "May I adopt the remarks made by my fellow Commissioners regarding Supervisor Milk? Mr. Wilson, you indicated that you would like to say something."

Lawrence Wilson, Attorney at Law, Police Department Legal Office: "I consider myself among the fortunate people in this country. Four years ago I came to this city and in this period of time I have had the privilege of knowing both of these men. Not nearly so well as any of you. Briefly, what comes to my mind is that their initial successes benefited each other, and benefited an extraordinary number of people. The Mayor, when he was a member of the State Senate, supported vigorously a number of programs, including the bill which repealed the Sodomy Laws of this state. The benefit, to this city's Gay Community by that, goes without saying. Harvey Milk, after losing in an attempt for Supervisor, turned his campaign staff over to help the Mayor win the election for his first term, for what was a close election. The Mayor's victory created an extraordinary atmosphere in this city which has permitted the participation, through his appointments to Commissions like this, the broadest range of people. All ethnic, religious, racial and sexual orientation backgrounds. I owe a personal debt to him and I would like to acknowledge that before this Commission. It has given me an opportunity to work in my chosen profession for an extraordinary group of people, and an extraordinary City, and I owe a debt to both of them. I appreciate your indulging my remarks."

Commissioner Siggins: "Thank you Mr. Wilson. Is their anything further?"

Commissioner Sanchez: "Could we adjourn in memory of Honorable George R. Moscone and Supervisor Harvey Milk and let the record reflect this action?"

Commissioner Siggins: "Motion carries and it is so ordered."

The Commission adjourned its meeting at 1740 hours.

Willie E. Kennamer

SECRETARY

6 DECEMBER 1978 REGULAR MEETING

MINUTES

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 6, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Murphy, Sanchez, Toler, Siggins

ABSENT: Commissioner Ciani

Commissioner Siggins presiding.

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RECOMMENDATIONS OF THE TRAFFIC BUREAU

Commissioner Sanchez commented on the matter of the number of yellow zones requested on 24th Street. He stated that Mission Station, the Mission Merchants and 24th Street Merchants had been working very closely with Captain Jeffrey and with his team out there. He stated that they had really been doing a number of needs assessments as far as complex problems in reference to traffic there and 16th Street, the lower 24th and now this area. He stated that it was almost physically impossible to drive up 24th Street, especially by Bell Market, because of trucks and other similar traffic conditions. He stated that all of the Mission Merchants felt that this would be a good recommendation to try for a period of 6 months and if, in essence, it works, then this is a place whereby the so-called concept of, basically, communications has really been placed at the precinct level in trying to deal with a lot of complex problems in that community. He stated that he happened to be a resident of the Mission District and that he looks forward to more options like this.

On the matter of 351 California Street, a Mrs. Donohue, owner of the property, appeared and presented reasons for requesting this zoning. The Commission denied her request but advised her to investigate the feasibility of changing the current white zone in front of her establishment and replacing it with a yellow zone.

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

710 MONTGOMERY STREET - GALLERY PAULE ANGLIM-DENIED

a) At 710 Montgomery Street, install a 22' yellow zone, extending from north building line to 22' south of same. DENIED

851 CALIFORNIA STREET - SAN FRANCISCO RESIDENT CLUB - DENIED

a) At 851 California Street, install a 22' yellow zone, extending from 27' to 49' east of west property line. DENIED.

2677 LARKIN STREET - SKYLINE REALTY INC.

a) At 2677 Larkin Street, install a 22' white zone, to extend from 28' to 50' south of north property line.

APPROX. 3934-24th STREET - S.F.P.D. (Captain Jeffrey Co.D)

a) At approximately 3934-24th Street, revoke 22' truck loading zone between driveways at meter 3934. (22' yellow zone)

b) Install special truck loading sign meter 3934.

APPROX. 3928-3926-3922-3920-24th STREET-S.F.P.D. (Captain Jeffrey Co-D)

a) At approximately 3928-3926-3922-3920, 24th Street, install an 88' yellow zone, (Special Truck Loading)

b) Install signs on meters 3928, 3926, 3922, 3920.

2953-24th STREET - S.F.P.D. (Captain Jeffrey Co.D)

a) At 3953-24th Street, revoke existing 93' yellow special truck zone, extending from 9' to 102' west of east property line.

b) Install meters with signs Special Truck Zone 7 A.M. to 1 P.M.

APPROX. 3938-24th STREET - S.F.P.D. (Captain Jeffrey Co.D)

a) At approximately 3938-24th Street, revoke 22' yellow zone, extending from 37' to 59' east of west property line.

b) Install meter and Special Truck Loading signs.

APPROX. 510 CLARENDON - SECOND COMMUNITY SCHOOL AT CLARENDON

a) At approximately 510 Clarendon, install a 69' white zone, to extend from 115' to 184' west of east property line.

b) Also place school bus signs 7 A.M. to 3:30 P.M.

APPROX. 520 CLARENDON - SECOND COMMUNITY SCHOOL AT CLARENDON-

a) At approximately 520 Clarendon, install a 24' white zone, to extend from 70' to 94' west of east property line (end of fence.)

b) Also place school bus signs to read 7:00 A.M to 3:30 P.M.

42 WALLER STREET - 1st BAPTIST CHURCH SCHOOL

a) At 42 Waller Street, install a 22' white zone, to extend from 7' to 29' east of west building line.

APPROX.#3 HARRIET - J.B. CALDER CO.

a) At approximately #3 Harriet Street, install a 44' green zone, extending from 44' south of north property line.

1016 HOWARD STREET - J.B. CALDER CO.

a) At 1016 Howard Street, install a 22' yellow zone, to extend 30' east of west property line to 52' east of west property line. (Jake Schwartz, 1012 Howard Street, approves of zone).

b) Remove meter 1014.

2200 VAN NESS AVENUE - THE HOT TUBS

a) At 2200 Van Ness Avenue, install a 22' white zone, to extend 22' south of north building line.

3911-3913-3915-24th STREET - S.F.P.D. (Captain Jeffrey-Co. D)

a) At 3911-3913-3915-24th Street, revoke existing 45' yellow zone, extending from 49' to 94' west of Sanchez Street.

b) Install meters.

1598 SANCHEZ STREET - SAINT PAULS MARKET - CONTINUED FOR ONE WEEK.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 182 feet of yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RETIREMENT

A communication was received from the Retirement Board officially notifying the Police Commission of the retirement of Inspector Sterling Weatherspoon, Bureau of Investigations, for service, effective October 25, 1978.

The communication was ordered filed.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 522-78

POLICE NARCOTIC FUND - APPROVED

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $6,000.00 charging same to Firm No. 355081 2021 133 01 as an advance on the Police Narcotic Fund for the month of November, 1978.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 523-78

POLICE CONTINGENT FUND - APPROVED

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $4,000.00 charging same to Firm No. 355081 2021 132 01 as an advance on the Police Contingent Fund for the month of November, 1978.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 524-78

MICHAEL KUMI AMANKWAH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Kumi Amankwah against the City and County of San Francisco in the sum of $21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 15, 1978

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 525-78

HARRY J. FONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry J. Fong against the City and County of San Francisco in the sum of $72.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 9, 1978

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 526-78

WILLIAM F. MARSTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William F. Marston against the City and County of San Francisco in the sum of $26.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 18, 1976

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 527-78

LESTER E. EDMOND JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lester E. Edmond Jr., against the City and County of San Francisco in the sum of $23.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1978

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 528-78

ROBERT MCRAE AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Robert McRae and his attorney in the sum of $450.00 in Superior Court Action No. 726-893 entitled "Robert McRae v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 16, 1978

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 532-78

AUTHORIZING ATTENDANCE OF SERGEANT HENRY WILLIAMS, ASSISTANT INSPECTOR DUANE OTIS AND POLICE OFFICER BERIT LEMOGE, INVESTIGATIONS (YOUTH SERVICES) AT THE CITY CONFERENCE ON CHILD ABUSE AT SAN FRANCISCO, CALIFORNIA, ON DECEMBER 3, 1978.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Henry Williams, Assistant Inspector Duane Otis and Police Officer Berit Lemoge, Investigations (Youth Services) be detailed to attend the City Conference on Child Abuse at San Francisco, California, on December 3, 1978, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Sergeant Williams, Assistant Inspector Otis, and Police Officer Lemoge, Investigations (Youth Services) in a sum not to exceed $36.00 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 533-78

ANNUAL LEAVE OF ABSENCE FOR THE YEAR 1979

WHEREAS, pursuant to the provisions of Section 8.440 of the Charter of the City and County of San Francisco, all members of the Police Department, both uniformed and civilian after one year's continuous service, shall be allowed a vacation with pay of ten (10) working days; all members of the Police Department, both uniformed and civilian after five years continuous service, shall be allowed a vacation with pay of fifteen (15) working days; and all members of the Police Department, both uniformed and civilian, after fifteen years continuous service, shall be allowed a vacation with pay of twenty (20) working days; said vacation period for 1979 to be all inclusive (January 1 - December 31) for the entire calendar year; the responsibility for seeing that sufficient manpower is on duty in any rank is properly that of the superior officer involved; therefore be it

RESOLVED, that in selecting periods for vacation, the members shall draw according to seniority in their respective ranks; and be it further

RESOLVED, that periods may be taken on an intermitten daily basis; provided, however, that any employee who is entitled to a vacation allowance of five (5) or more working days shall take at least five (5) days of his vacation at one time annually.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 529-78

JOSEPH A. COLORAFT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph A. Coloraft against the City and County of San Francisco in the sum of $23.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 27, 1978

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 530-78

MARIANNE MCTERNAN AKA MARIANNE STRANGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marianne McTernan aka Marianne Strange against the City and County of San Francisco in the sum of $10.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 8, 1972

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 531-78

BANK OF AMERICA (A.E. BERTOLUCCI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bank of America (A.E. Bertolucci) against the City and County of San Francisco in the sum of $973.49 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 26, 1977

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 534-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved:

Police Officer William) $7.25 (At the Post Seminar
F. Kidd) each (on Certificates and
Personnel & Training) (Reimbursement at San

Station Officer Susan) (Rafael, California,
Coates) (on November 7, 1978,
Personnel & Training) (inclusive.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meetings of November 1, 1978 and November 8, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

CHIEF'S REPORT TO THE POLICE COMMISSION

No report was made to the Police Commission at this time. Chief Gain being absent.

RESOLUTION NO. 535-78

GENERAL ORDERS PERTAINING TO COURT DETAILS

RESOLVED, that the Police Commission hereby adopts the department general order authorizing details to the Warrants Section of officers who are required to attend both morning and afternoon court sessions after they have worked a previous night watch and are scheduled to work the next night watch.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 537-78

HEARING OF PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT.

WHEREAS, the hearing of Patrol Special

Officer Albert Robles, Central Police District, was called; and

WHEREAS, it was requested by Jeremiah F. O'Shea, Jr., Attorney at Law, that the hearing for Patrol Special Officer Albert Robles, Central Police District, be continued to Wednesday, December 13, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Albert Robles, Central Police District, is set for Wednesday, December 13, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 538-78

HEARING OF STATION OFFICER THOMAS O'BRIEN, RICHMOND POLICE STATION

WHEREAS, the hearing of Station Officer Thomas O'Brian, Richmond Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Joseph A. Desmond, Attorney at Law, who is representing Station Officer Thomas O'Brien, has requested that a date for the hearing be set after the criminal proceedings have been disposed of in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Station Officer Thomas O'Brien, is set for Wednesday, January 10, 1979 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 539-78

SETTING OF DATE FOR THE HEARING OF POLICE OFFICER FRANCIS J. MURPHY, CENTRAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Francis J. Murphy, Central Police Station, was called; and

WHEREAS, Mr. Lawrence Wilson stated that Mr. Stephen Bruce Bley is the attorney for Police Officer Francis J. Murphy, and that Mr. Bley and he agreed that a date for Officer Murphy's hearing should be scheduled for some time in January, 1979; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Francis J. Murphy, Central Police Station, is set for Wednesday, January 10, 1979 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 536-78

SERGEANT BURTON J. BISHOP, FIELD OPERATIONS BUREAU

WHEREAS, on November 20, 1978, Charles R. Gain, Chief of Police, submitted a letter to the Police Commission informing the Commission that Sergeant Burton J. Bishop had failed to adhere to the probationary requirements given him at the Police Commission meeting of September 13, 1978; and

WHEREAS, also in said letter, the Chief requested that a time for a hearing at which Sergeant Burton J. Bishop may show cause why the Commission's suspension of the imposition of the penalty of termination should not be lifted and Sergeant Bishop terminated pursuant to Resolution No. 406-78; therefore be it

RESOLVED, that a hearing before the Police Commission at which Sergeant Burton J. Bishop may show cause why the Commission's suspension of the

imposition of the penalty of termination should not be lifted and that Sergeant Bishop be terminated pursuant to Resolution No. 406-78, be, and the same is hereby set for Wednesday, December 13, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

The Commission then adjourned its meeting at 1820 hours.

SECRETARY

13 DECEMBER 1978 REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 13, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Murphy, Sanchez, Toler, Siggins

ABSENT: Commissioner Ciani

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Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1598 SANCHEZ STREET - SAINT PAULS MARKET - DENIED

a) At 1598 Sanchez Street, install a 22' green zone, extending from south building line 22' north of same. DENIED.

1520 STOCKTON STREET - NORTH-EAST MEDICAL SERVICES

a) At 1520 Stockton Street, install a 44' white zone, to extend from 12' to 56' south of north property line.

1145 BUSH STREET - DRS. CHESTER CHIN & JOEL PENBAUM

a) At 1145 Bush Street, install a 22' white zone, extending from 2' east of west property line to 24' west of same.

1154 SUTTER STREET - SUTTER MEDICAL GROUP

a) At 1154 Sutter Street, revoke existing 22' yellow zone, extending from 17' to 39' east of west building line.

b) At 1154 Sutter Street, install a 22' white zone, extending from 17' to 39' east of west building line.

51 FERN - SUTTER MEDICAL GROUP

a) At 51 Fern, revoke existing 44' yellow zone, extending from end of #35 Fern to 44' east of same.

b) At 51 Fern, install a 44' white zone, extending from end of #35 Fern to 44' east of same.

1520 STOCKTON STREET - S.F.P.D.

a) At 1520 Stockton Street, revoke existing 18' yellow zone, extending from 46' to 64' north of south building line.

1520 STOCKTON STREET - S.F.P.D.

a) At 1520 Stockton Street, revoke existing 22' yellow zone, extending from 2' to 24' north of south building line.

APPROXIMATELY #2 O'DOULE LANE - HAGEMEISTER-LERT, INC. - DENIED

a) At approximately #2 O'Doule Lane, install a 44' yellow zone, extending from north property line 44' south of same. DENIED

2330 LARKIN STREET - APARTMENT HOUSE - DENIED

a) At 2330 Larkin Street, install a 30' white zone, extending from 17' north of south property line. DENIED.

710 MONTGOMERY STREET - GALLERY PAULE ANGLIM -DENIED

a) At 710 Montgomery Street, install a 22' yellow zone, extending from north bilding line 22' south of same. DENIED

b) At 710 Montgomery Street, remove meter 708 - DENIED.

1401 - 33rd AVENUE - 33rd & JUDAH MARKET

a) At 1401 - 33rd Avenue, install a 30' green zone, extending from 6' to 46' south of Judah Street.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 540-78

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $6,000.00 charging same to Firm No. 355081 2021 133 01 as an advance on the Police Narcotics Fund for the month of December, 1978.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 541-78

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of $4,000.00 charging same to Firm No. 355081 2021 132 01 as an advance on the Police Contingent Fund for the month of December, 1978.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 542-78

GERALD H. SILVERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald H. Silverman against the City and County of San Francisco in the sum of $24.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1978

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 543-78

RONALD E. REID AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Ronald E. Reid and his attorney in the sum of $500.00 in Superior Court Action No. 667-560 entitled "Ronald E. Reid v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 27, 1972

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meetings of November 15, 1978 and November 29, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, we just gave you the preliminary report of serious crime comparing November of this year with last and January through November of this year with the same period last year. And what it shows is that in comparing November of 1978 with November of 1977, there was an increase of 2.9% in serious crime for the period January through November of this year compared to last a decrease of 1.9% in the volume of serious crime. So we are experiencing that which we had forecast in about March or April of this year that crime month by month now is going up monthly this year compared to last. And that our decrease in serious crime is less than we experienced earlier this year."

Commissioner Murphy: May I ask a question? Fill me in again, what's the difference between larceny and burglary? Larceny increased 2% and burglary decreased 6.7%."

Chief Gain; "Burglary is when someone goes into a home or business and enters unlawfully and attempts to commit grand or petty larceny that is burglary. And Larceny is all forms of theft whether it be shoplifting or other types....."

Commissioner Murphy: "It does not include burglary."

Chief Gain: "No, they are two distinct crimes. Thefts largely is the greatest volume crime as you will see, it was way up into the thousands."

Commissioner Murphy: "As you say purse snatching and shoplifting and....."

Chief Gain: "Shoplifting, any form of theft. Someone steals a pencil that's a larceny and it is given as much weight, unfortunately, as a burglary or a murder."

Commissioner Murphy: "I know that it isn't kosher to ask for this but would there be any point in keeping track of the amount of Arson going on? I know the FBI doesn't ask for it or anything like that but could we do it locally and just see what it would be?"

Chief Gain: "We do it. It's reflected in our monthly reports. This is a preliminary report but in our detail report it is reflected. Probably at the beginning of the year it is going to be counted as a serious crime along with these other serious crimes."

Commissioner Murphy: "It is? Nationwide or just as far as records?"

Chief Gain: "Well, we anticipate it would be counted nationwide as a serious crime along with these others."

RESOLUTION NO. 544-78

REQUEST FOR SUPPLEMENTAL REAPPROPRIATION FOR RECLASSIFICATION OF ONE CIVILIAN POSITION AND REDUCTION OF DEPARTMENT BUDGET.

RESOLVED, that the Police Commission hereby approves a Supplemental Reappropriation which reclassifies one civilian position in the Police Department form 1924 Materials and Supplies Supervisor to 1406 Senior Clerk and reduces the Department budget in the amount of $6,217.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 544-78

REQUEST FOR SUPPLEMENTAL REAPPROPRIATION FOR RECLASSIFICATION OF ONE CIVILIAN POSITION AND REDUCTION OF DEPARTMENT BUDGET.

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Reappropriation in the amount of $6,217.00 as follows:

355016-0010 Permanent Salaries-
Miscellaneous, Regular
Credit $6,217.00

to reclassify resulting in reduction of total funds needed.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

BUDGET EXPENDITURES, FISCAL YEAR 1978/79

Chief Gain stated that the Commission had asked for this report and that it complies with the Commission's request.

Commissioner Murphy had several questions on various items of the report. She noted that the Chief had been very frugal on several of the items and commended him for it. She then stated that this report revealed one of the reasons why Program Budgeting is being instituted to replace the archaic Line Item Budgeting currently in use.

Chief Gain then stated that in regard to the Budget he and his Staff were due to submit to the Commission today the budget for next fiscal year, but due to a variety of factors, they are one week in arrears. He stated that with the Commission's indulgence, they will be submitting it to the Commission by next week. He stated that it will still be a line item budget but he hoped for the next fiscal year that the Department will have gone into Program Budgeting.

SHOW CAUSE HEARING IN THE MATTER OF SERGEANT BURTON J. BISHOP, FIELD OPERATIONS BUREAU

Chief Gain: "Sergeant Bishop has not appeared. We made attempts to notify him and (to Mr. Lawrence Wilson, Legal Office Attorney) was he in fact notified?"

Mr. Lawrence Wilson: "The nature of the mail system is that a certified letter would not have returned by today. We did send it out first class mail. We expect that it did arrive at his house. There were personal contacts with Sergeant Bishop that indicated that he was not eager to appear. The legal section's suggestion is that we serve him personally with the notice of the Hearing and that it be set for a date that is convenient to the Commission. Next Wednesday would meet with our satisfaction."

Chief Gain: "Well, are you suggesting that he be subpoenaed?"

Mr. Wilson: "Well, a subpoena is actually made out for witnesses and he is under the Personnel Sergeant and the Personnel Sergeant should be directed to order him rather than actually having the Commission issue a subpoena."

Commissioner Siggins: "Yes, it would seem rather strange

to me to have to subpoena someone within and under the Jurisdiction of the Department, but he was represented at the Hearings by counsel."

Mr. Wilson: "That counsel has not been contacted, either directly by Sergeant Bishop nor indirectly by the Police Officers' Association, to represent him, and has informed me in a telephone conversation that he is not representing him."

Commissioner Siggins: "Okay, then we should make a record of that and let the record show that he is no longer being represented by the counsel who represented him before, and that happens to be Mr. Stephen B. Bley."

Mr. Wilson: "Do you want to set that for next week, sir?"

Commissioner Siggins: "Alright, next week. That gives time for personal service."

RESOLUTION NO. 545-78

SHOW CAUSE HEARING IN THE MATTER OF SERGEANT BURTON J. BISHOP, FIELD OPERATIONS BUREAU

WHEREAS, the hearing of Sergenat Burton J. Bishop, Field Operations Bureau, was called; and

WHEREAS, Mr. Lawrence Wilson, Attorney for the Department's Legal Office, stated that although Sergeant Bishop had been personally contacted and written notification sent to his residence notifying him that his Show Cause Hearing was scheduled for this date, he is not present; therefore be it

RESOLVED, that it is the order of the Police Commission that Sergeant Burton J. Bishop, be personally notified that he is to appear at the next meeting of the Police Commission on December 20, 1978, at 5:30 p.m., in Room 551, Hall of Justice, and Show Cause as to why the suspension of the imposition of his sentence of termination should not be lifted and he be terminated pursuant to Police Commission Resolution No. 406-78.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 547-78

HEARING OF POLICE OFFICER THOMAS DEL TORRE, CENTRAL POLICE STATION.

WHEREAS, the hearing of Police Officer Thomas Del Torre, Central Police Station, was called; and

WHEREAS, Stephen Bruce Bley, Attorney at Law, who is representing Police Officer Thomas Del Torre, Central Police Station, has requested that the hearing before the Police Commission be continued to January 31, 1979; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Thomas Del Torre, Central Police Station, is set for Wednesday, January 31, 1979 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 546-78

HEARING OF POLICE OFFICER EDWARD RODRIGUEZ, CENTRAL POLICE STATION.

WHEREAS, the hearing of Police Officer Edward Rodriguez, Central Police Station, was called; and

WHEREAS, Stephen Bruce Bley, Attorney at Law, who is representing Police Officer Edward Rodriguez, Central Police Station, has requested that the hearing before the Police Commission be continued to January 31, 1979; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Edward Rodriguez, Central Police Station, is set for Wednesday, January 31, 1979 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

HEARING OF PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT.

The hearing of Patrol Special Officer Albert Robles, Central Police District, was called, it having been set for this date. Patrol Special Officer Albert Robles was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Conduct subverting good order, efficiency, discipline. (Violation of Rule 2.31 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 2

Failure to truthfully answer Questions. (Violation of Rule 2.49 of the Rules and Procedures of the San Francisco Police Department)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Patrol Special Officer Albert Robles, appeared in person and was represented by Jeremiah F. O'Shea, Attorney at Law.

Mr. Lawrence Wilson, Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

Mr. Jeremiah F. O'Shea, Attorney at Law, entered, on behalf of his client, an oral plea of "Guilty" to Specifications Nos. 1 and 2 as charged.

An opening statement was made by Mr. Wilson and Chief of Police Charles R. Gain.

After some discussion in regard to subsection (d) of Specification No. 1, all parties agreed to it's deletion.

An opening statement was then made by Mr. O'Shea. Subsequent statements were also made by Patrol Special Officer Albert Robles.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 548-78

DECISION - HEARING OF PATROL SPECIAL OFFICER ALBERT ROBLES, CENTRAL POLICE DISTRICT.

WHEREAS, on July 31, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Officer Albert Robles, Central Police District, as follows:

SPECIFICATION NO. 1

a) That premises located at 633 Battery Street, San Francisco, were within the beat belonging to the accused at the times herein relevant;

b) That the accused did in fact work the Patrol Special beat encompassing said premises from 1900 to 0600 hours the nights of February 27 and 28, 1978;

c) That at approximately 0400 hours on February 27 or 28, 1978, the accused, while performing his official duties and accompanied by an unknown female companion, was present inside Suite 620 of said premises located at 633 Battery Street;

Deleted--d) That the accused was, while on duty at said location and time, consuming alcoholic beverages;

e) That the consumption of alcoholic beverages on said premises, which the accused was charged with patrolling, was subversive of the good order, efficiency, and discipline of the San Francisco Police Department and constitutes, therefore, a violation of Rule 2.13 which recites:

"Rule 2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which re-

flects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

a) That each and every allegation contained in paragraphs (a) through (d)* of Specification No. 1 is incorporated herein as though fully stated;

b) That, following filing of complaint by manager of premises in question, an investigation was commenced by Lieutenant James B. Spillane, Star 484 of Company A;

c) That during an interview on March 20, 1978, conducted by Lieutenant Spillane in the course of a lawful investigation, the accused denied that he was the officer involved in misconduct as alleged in Specification No. 1;

d) That the denial by the accused in paragraph (c) above, was untruthful;

e) That the accused failed to appear for three subsequent appointments arranged with Lieutenant Spillane;

f) That the untruthful denial as alleged in paragraph (d)* above constituted a deliberate attempt to evade the truth when called upon by a superior officer;

g) That such evasion constitutes a violation of Rule 2.49 which recites:

"Rule 2.49 A member shall, when called upon by a superior officer, or by one especially assigned by lawful authority to conduct an investigation involving police matters, or any matter affecting the conduct of a member or members, truthfully answer all questions propounded. All reports, statements and declarations made orally, or in writing in the foregoing matters shall contain the truth without question."

That at all times herein mentioned, the accused, was, and still is, a member of the San Francisco Police Department, in ownership of Patrol Special Beat No. 20; and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 13, 1978, and that on Wednesday, December 13, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that said charges made and filed against Patrol Special Officer Albert Robles, Central Police District, as contained in Specifications Nos. 1 and 2, are sustained by the evidence presented at the hearing and that Patrol Special Officer Albert Robles violated Sections 2.13 and 2.49 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Patrol Special Officer Albert Robles has violated Specification No. 1, Section 2.13, and Specification No. 2, Section 2.49, of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Patrol Special Officer Albert Robles, has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department, and that for said violation he shall be suspended for ten (10) calendar days; and be it further

RESOLVED, that it is the order of the Police Commission that Patrol Special Officer Albert Robles, has violated Specification No. 2, Section 2.49 of the Rules and Procedures of the San Francisco Police Department, and that for said violation he shall be suspended for thirty (30) calendar days; and be it further

RESOLVED, that said suspensions are to run consecutively commencing Tuesday, January 2, 1979 at 0001 hours, and terminating at 2400 hours, Saturday, February 10, 1979.

(The entire proceedings were taken in Shorthand form by Hearing Reporter Linda Pransky, C.S.R.)

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

The Commission then adjourned its meeting at 1837 hours.

SECRETARY

20 DECEMBER 1978 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco, met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, December 20, 1978 at 1710 hours, in Executive Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

FEB 23 1978

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1. Personnel matters.

20 DECEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 20, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

Commissioner Siggins: "It should be reported that the Commission met in Executive Session on a Personnel matter and voted to endorse the Chief's recommendation that Captain Cornelius Murphy be appointed the Commander replacing Commander Agustius Bruneman as of January 31, 1979, and further approved that Captain Cornelius Murphy be appointed as an interim Commander until January 31, 1979. The Commission noted that Captain Murphy has been a member of this Department for the past [illegible] morrow is the aniversary dat[illegible] a Captain. [illegible] to the status of an exempt position under the Charter Section 3.501. We share the same confidence that Chief Gain does in your ability to handle the important position of a Commander [illegible]."

RESOLUTION NO. 548-78

RICHARD L. WALLER

RESOLVED, that [illegible]

City Attorney for settlement of the claim of Richard L. Waller against the City and County of San Francisco in the sum of $20.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 550-78

LINDA L. MEYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda L. Meyer against the City and County of San Francisco in the sum of $23.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 26, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 551-78

SUSAN J. BECKSTROM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan J. Beckstrom against the City and County of San Francisco in the sum of $125.35 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: [illegible]

AYES: Commissioners Ciani, Murphy, [illegible], Toler, Siggins

RESOLUTION NO. [illegible]

ZVI GABAY

RESOLVED, that the [illegible]

City Attorney for settlement of the claim of Zvi Gabay against the City and County of San Francisco in the sum of $24.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 553-78

ROLLIN NAPIER AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Rollin Napier and his attorney, in the sum of $3,000.00 in Superior Court Action No. 153-805 entitled "Rollin Napier v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 15, 1975

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 554-78

L. C. REESE AND HIS ATTORNEYS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of L. C. Reese and his attorneys in the sum of $3,206.06 in Superior Court Action No. 757-729 entitled "L.C. Reese v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 27, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 555-78

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING, AT THE POST COMMISSION QUARTERLY MEETING AND PUBLIC HEARINGS AT SAN DIEGO, CALIFORNIA, FROM JANUARY 17, 1979 TO JANUARY 19, 1979, INCLUSIVE

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard D. Klapp, Personnel and Training, be detailed to attend the POST Commission Quarterly Meeting and Public Hearings at San Diego, California, from January 17, 1979 to January 19, 1979, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Lieutenant Richard D. Klapp, Personnel and Training, in a sum not to exceed $205.00 will be defrayed by the Police Department's Police Officer's Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 556-78

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF JEREMIAH P. TAYLOR, FIELD OPERATIONS, AT THE EXECUTIVE DEVELOPMENT COURSE AT SAN RAFAEL, CALIFORNIA, FROM JANUARY 7, 1979 TO JANUARY 19, 1979, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Jeremiah P. Taylor, Field Operations, be detailed to attend the Executive Development Course at San Rafael, California, from January 7, 1979 to January 19, 1979, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Deputy Chief Jeremiah P. Taylor, [illegible], in a sum not to exceed $417.00 will be [illegible] the Police Department's Police Officer's Training Fund.

AYES: Commissioners Ciani, [illegible], Toler, Siggins

RESOLUTION NO. 557-78

AUTHORIZING ATTENDANCE OF LIEUTENANTS OLIN ALLGIRE, SOUTHEAST POLICE STATION, DAVID DILLON, MISSION POLICE STATION, PRESTON NOLAN, SOUTHERN STATION, AND ROBERT O'BRIEN, RICHMOND POLICE STATION, AT A MIDDLE MANAGEMENT TRAINING COURSE AT KELSEYVILLE, CALIFORNIA, FROM JANUARY 22, 1979 TO FEBRUARY 2, 1979, INCLUSIVE.

RESOLVED,that the recommendation of the Chief of Police that Lieutenants Olin Allgire, Southeast Police Station, David Dillon, Mission Police Station, Preston Nolan, Southern Police Station, and Robert O'Brien, Richmond Police Station, be detailed to attend a Middle Management Training Course at Kelseyville, California, from January 22, 1979 to February 2, 1979, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Lieutenants Allgire, Southeast Police Station, Dillon, Mission Police Station, Nolan, Southern Police Station, and O'Brien, Richmond Police Station, in a sum not to exceed $525.90 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 558-78

AUTHORIZING ATTENDANCE OF SERGEANT ANTHONY RIBERA AND POLICE OFFICER BERT OLSON, PLANNING AND RESEARCH, AT THE FIELD MANAGEMENT TRAINING-PATROL DISTRIBUTION STUDY, AT SACRAMENTO, CALIFORNIA, FROM JANUARY 4, 1979 TO JANUARY 5, 1979, INCLUSIVE

RESOLVED, that the recommendation of the Chief of Police that Sergeant Anthony Ribera and Police Officer Bert Olson, Planning and Research, be detailed to attend the Field Management Training - Patrol Distribution Study at Sacramento, California, from January 4, 1979 to January 5, 1979, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Sergeant Anthony Ribera and Police Officer Bert Olson, Planning and Research, in a sum not to exceed $97.00 each, will be defrayed by the Police

Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RETIREMENT

A communication was received from the Retirement Board officially notifying the Police Commission of the retirement of Police Officer Edward M. Anderson, Ingleside Police Station, for service, effective November 8, 1978.

The communication was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

SHOW CAUSE HEARING IN THE MATTER OF SERGEANT BURTON J. BISHOP, FIELD OPERATIONS BUREAU

Mr. George Engler, Attorney for Sergeant Burton J. Bishop: "Mr. Bishop is not present, he was hospitalized today in St. Francis Hospital by his treating physician. However, I did have a conversation with legal counsel and I think there is going to be a motion to continue it, is that correct?"

Mr. Lawrence Wilson: "Yes sir, the information that should be conveyed to the Commission is that Sergeant Bishop will turn 50 on the 14th of January 1979, which will allow him to retire. The recommendation of the Department is that it should be set over to your next meeting and I don't know if [illegible] 27th or the 3rd of January, [illegible] Wednesday."

Commissioner Ciani: "Well, [illegible] his being served with [illegible]."

George Engler: "We stipulate that he has been served, that is no question, that is why I am here."

Chief Gain: "I assume he would have been more [illegible] with Mr. Engler if he had not been hospitalized, is that correct?"

George Engler: "That is correct."

Commissioner Murphy: "Is it serious, will it be sometime before he....."

George Engler: "He is off on disability leave now because of a back injury and it is because of this that his doctor hospitalized him..... or neck injury, I believe it is."

Commissioner Siggins: "Well, let's put it over to January 3rd, anyway."

George Engler: "It is being put over really at the request of the counsel here. Today he phoned me and said that the witness was not available. I don't want to put this Board in the position of believing that I am trying to stall this matter. I would have been prepared to go had I....."

Mr. Lawrence Wilson: "There must have been some misundertstanding in our telephone onversation, the witness would have been present if we needed him this evening."

George Engler: "Yes, well I understood that you indicated that Mr. Devine was not available."

Mr. Lawrence Wilson: "He would have been available, but we had reason to believe that your client would not be able to appear this evening, and that you would request a continuance."

Commissioner Siggins: "Let the record show that Mr. George Engler is representing Mr. Bishop. We have had Mr. Bishop here before in other matters and his attorney was Mr. Stephen Flynn. We will put it over to January 3rd.

George Engler: "I am just wondering, I may receive the information that I requested indication that there [illegible] or rather Mr. Devine or another official to obtain information and are there stipulations anything that might have the availability of available prior to the hearing?"

Chief Gain to Lawrence Wilson: "You have those available yet?"

George Engler: "I just came into the room."

Chief Gain: "Oh, make those available to him tomorrow."

George Engler: "Fine, thank you very much."

RESOLUTION NO. 565-78

SHOW CASUE HEARING IN THE MATTER OF SERGEANT BURTON J. BISHOP, FIELD OPERATIONS BUREAU

WHEREAS, the hearing of Sergeant Burton J. Bishop, Field Operations Bureau, was called; and

WHEREAS, Mr. George Engler, Attorney at Law, representing Sergeant Burton J. Bishop, and Mr. Lawrence Wilson, Attorney at Law, representing the San Francisco Police Department, by mutual agreement, requested that the Show Cause Hearing as to why the suspension of the imposition of his sentence of termination of his sentence should not be lifted and he be terminated pursuant to Police Commission Resolution No. 406-78, be continued to Wednesday, January 3, 1979; therefore be it

RESOLVED, that it is the order of the Police Commission that the Show Cause Hearing of Sergeant Burton J. Bishop, is set for Wednesday, January 3, 1979 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain did not have a report at this time for the Commission, but he responded to questions the Commissioners had on the Department's proposed [illegible] year budget.

Commissioner Ciani inquired about the time factor regarding public hearings and submission of the budget to the Mayor's Office. The Chief then stated that it had to be in the Mayor's office by January 15th.

Commissioner Murphy then stated that in addition to preparing for having a public hearing on the budget

she was also interested in the status of the request at the meeting of November 15th at which time she asked that Department Staff develop a budget request for a Civilian Complaints Office in addition to the Hearing Officer which the Chief had indicated was already in the budget. Further discussion was held as to whether it should have been included in the 79/80 budget request or not. Commissioner Ciani indicated that it should be discussed prior to being submitted as some of the newer members of the Commission were unfamiliar with its (CCO) contents. She stated that she did not feel it should be submitted at this time. She stated that she was disappointed that in the last year the Department hand't gotten around to implementing some of the none budgetary changes that would have streamlined the current IAB process without necessarily installing the CCO. She said that experiment would have permitted the Commission to evaluate better whether the CCO was really needed.

Commissioner Siggins then indicated that because of the current tight fiscal limitations on all City Department Budgets he did not feel it would get by the Mayor or the Finance Committee of the Board of Supervisors. Commissioner Murphy then stated that she felt that the Commission was obliged to try it and that when the Public Meeting is held on the 79/80 budget various items could be voted in or out at that time, however, at this time, she stated, she would like for it to be included in the budget. She then made a motion to the effect that the CCO, as submitted in last year/s budget as a pilot program, be submitted likewise in this year's 79/80 fiscal year budget for the purpose of streamlining the receipt and pursuit of civilian complaints. The motion was seconded but it failed to receive the necessary votes for passage. Further discussion continued on the subject and Chief Gain agreed to resubmit the plan to the Commission for further discussion as to whether or not it should go into the budget request as an addendum to the current year's budget proposal.

During [illegible] the budget [illegible] mission is [illegible] 9% of the current [illegible]. Sanchez then asked the Chief if [illegible] to have some brief paragraph [illegible], illustrating the justification on why areas A,B,C, or whatever, have been cut [illegible] can review it in reference to the [illegible]. The Chief then stated that Staff would comply with this request.

RESOLUTION NO. 563-78

SUPPLEMENTAL REAPPROPRIATION FOR RECLASSIFICATION OF TWO CIVILIAN POSITIONS AND REDUCTION OF DEPARTMENT BUDGET.

RESOLVED, that the Police Commission hereby approves a supplemental reappropriation which reclassifies one 1218 Payroll Supervisor and one 1220 Payroll Clerk to one 1224 Principal Payroll Clerk and one 1222 Senior Payroll Clerk, and reduces the Department budget in the amount of $3,659.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 563-78

SUPPLEMENTAL REAPPROPRIATION FOR RECLASSIFICATION OF TWO CIVILIAN POSITIONS AND REDUCTION OF DEPARTMENT BUDGET.

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Reappropriation in the amount of $3,659.00 as follows:

355016-0010	Permanent Salaries- Miscellaneous, Regular	$3,036
	Mandatory Fringe Benefits	446
	Social Security	177

and credit it to the following appropriation in the amount indicated:

Compensation Reserve

Reclassification of civilian personnel [illegible] in relation [illegible].

AYES: [illegible], Toler, [illegible]

RESOLUTION NO. 564-78

REQUEST FOR A SUPPLEMENTAL [illegible] THE POLICE DEPARTMENT [illegible] PROSECUTION

RESOLVED, that the Controll[illegible]

is hereby requested to draw a Supplemental Reappropriation in the amount of $3,230.00 as follows:

355016-0020	Permanent Salaries- Uniform Force	$3,230.00

and credit it to the following appropriation in the amount indicated:

355016-1206	Travel Expense	$3,230.00

to provide funds for officers' appearance at trial in Fresno, California.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 564-78

REQUEST FOR A SUPPLEMENTAL REAPPROPRIATION TO FUND THE POLICE DEPARTMENT PART OF THE GOLDEN DRAGON PROSECUTION.

RESOLVED, that the Police Commission hereby approves a request for a supplemental reappropriation in the amount of $3,230.00 to pay for travel expenditures for officers related to the Golden Dragon homicide trial in Fresno.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECEIPT OF PROPOSED DEPARTMENTAL GENERAL ORDER ESTABLISHING EMERGENCY [illegible] AND PROCEDURES. (CONTINUED [illegible] NOVEMBER 1[illegible], 1978) - [illegible]

AYES: Commissioners Ciani, [illegible], Toler, [illegible]

RESOLUTION NO. 567-78

NON-CIVIL SERVICE [illegible]

RESOLVED, that approval is given to [illegible]

Chief of Police to make six non-Civil Service appointments of Q60 Lieutenants to the rank of Q80 Captains.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

SETTING DATE FOR PUBLIC HEARING ON THE BUDGET.

Commissioner Sanchez: "Perhaps it might be an idea, I mean as an example, if we had our regular meeting on the 3rd from 5:00 p.m., to 6:30 p.m., and then a half hour recess, and then a Public Hearing from 7:00 p.m., to 8:00 p.m., period, and then our next meeting on the 10th, then we would vote on it as a Commission, and this would give at least a few days for the Chief and the President to make any changes prior to admissions by the 15th."

Commissioner Siggins: "Let's set a Public Hearing from 7 to 9 on January 3rd, alright?"

Chief Gain: "Mr. President, on next week's agenda we will place the budget on the agenda so that the Commission can acknowledge receipt of the budget and if the Commissioners have had time to review the budget it could also be discussed by the Commission next week as far as the Commission's discussion, next week, that could be done too. So it will be on the agenda."

Commissioner Sanchez: "But the formal vote would therefore be on the 10th of January as far as the actual formal vote of this body?"

Commissioner Siggins: "We could anticipate it that way, we have had problems in the past where we were a little late in getting our approval."

SALE OF PATROL SPECIAL [illegible] - [illegible] TO DECEMBER 27, 1978

AYES: Commissioners Ciani, [illegible], Toler, Siggins

RESOLUTION NO. 561-78

POLICE OFFICER NELSOM LUM, CENTRAL POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Nelson Lum, Central Police Station, as follows:

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion. (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Nelson lum, Central Police Station, be, and the same is hereby set for Wednesday, January 10, 1979 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 562-78

POLICE OFFICER FRANCIS J. MURPHY, CENTRAL POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Francis J. Murphy, Central Police Station, as follows:

SPECIFICATION NO. 1

Striking a Prisoner without Lawful Cause or Excuse. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to Answer Truthfully and Without Evasion Questions Propounded. (Violation os Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police, therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Francis J. Murphy, Central Police Station, be, and the same is hereby set for Wednesday, January 10, 1979 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

The Commission then adjourned its meeting at 1855 hours.

SECRETARY

27 DECEMBER 1978 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 27, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Toler, Siggins

ABSENT: Commissioner Sanchez

FEB 23 1979

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Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Commissioner Siggins: "Officer Hardiman is here with the traffic matters and there is one added item that involves 2220 Sacramento Street?"

Officer Hardiman: "Yes, I have it here Commissioner."

Commissioner Siggins: "Do you have it?"

Officer Hardiman: "I have a copy from Sergeant Frazier."

Commissioner Siggins: "Okay, well we might as well take that up first because Mr. Gartland and Mr. Pritikin are here. Are you familiar with this at all Officer Hardiman?"

Officer Hardiman: "I am just familiarizing myself with the application here, I didn't work on this one personally, but I see that our office recommended denial on it and it would be the same policy as other denials. The hotel is only [illegible] of white zone beginning at [illegible] Sacramento, then there must be a cap in front of this business at 2200."

Commissioner Siggins: "I think the address is wrong, it is not 2220 is it, it's got to be in mid-block."

Officer Hardiman: "Well, I have the address of the hotel as 2220 Sacramento, is that [illegible] there is a white zone on the corner, [illegible]

with a space and then another white [illegible] long in front of 2224 Sacramento."

Commissioner Toler: "What types of businesses are the others?"

Officer Hardiman: "Excuse me, I don't know, I am sorry."

Commissioner Murphy: "I know all about it because they are just two blocks from my house, I live in the 2200 block of Washington and the Mansion is a very small hotel in the middle of the block on Sacramento between Laguna and Buchanan and there is a big Condominium that always has someone moving in and out, on the corner of Laguna and Sacramento, and then there is another one down further."

Officer Hardiman: "Right, so there are 86' of white for two buildings and this one would be in between."

Commissioner Siggins: "Isn't this the place that has all of the Bufanos?"

Commissioner Ciani: "It is a Victorian home that has been renovated and made into a small hotel."

Commissioner Murphy: "There is a question of zoning there too, because I don't believe they are zoned for a hotel."

Commissioner Siggins: "Well, is there someone who wants to speak for this?"

Mr. Gartland: "Yes, may it please the Commission, I am Eugene Gartland, I am appearing here on behalf of Mr. Pritikin [illegible] the second white zone [illegible] I believe, [illegible] just seen [illegible] they are [illegible] of course, [illegible] the use of the [illegible] and civic groups at various times and they do have Valet Parking. Margaret Brady of the Parking Authority is here. What I would like to do, if [illegible] President Siggins, is have her [illegible] this and then have the matter put [illegible] because we are working on some other problems with the management and then come back in [illegible] present the rest of the testimony in behalf of our application."

Commissioner Siggins: "Well, we might be ready to vote tonight."

Mr. Gartland: "Well, if you are, fine."

Commissioner Murphy: "Well, I think the 60 days ought to be....."

Mr. Gartland: "If I may then one of the.....there are two essential needs for the white zone. Number 1, it is a hotel and most of the guests arrive by taxi or limousine and not by public transportation. The hotel is used by many people who are day out-patients of the hospital down the way, the Presbyterian, and come back and forth, are elderly people. We feel that a white zone is necessary in their behalf, but primarily, the real requirements for a white zone is because of the many charitable and civic affairs that are held there of not only by the city, but by the Benny Bufano Non-Profit Society, at this time I would like to have Margaret Brady to address herself to the problem that she has run into with reference to parking."

Margaret Brady: "Mr. Chairman, members of the Commission, I am Margaret Brady, and I am the Chairman of the Parking Authroity. Mr. Pritikin, who is the owner of the Mansion, and the Bufano's who reside in the townhouse which is adjacent, use their premises regularly for charitable artistic and public affair fund raisings. As a consequence they called me because of their concern for the neighborhood and the cars parking in that which is on street parking in that neighborhood, and further, the air quality, because of the cars circling and the emission, wanted to know what we could do to help them with regard to their parking. We have recommended to them, and what they have done on almost all of their invitations, is that they specify that there is access by the 55 Sacramento bus that there is parking at the Japanese Cultural Center Garage, which is reasonably close, and which is public parking and, therefore, rather inexpensive, and to operate a shuttle from that garage to their premises. They have put this on most of their invitations that is the way they have functioned and obviously the shuttle has a problem if it is unable [illegible] the street and obstructing traffic. [illegible], you negate the use of that shuttle unless there is some place that they can pull in in a white zone, disgorge their passengers, and then go back to the garage. So we would recommend to you a white zone, thank you."

Commissioner Ciani: "I have a few questions, you say that there is Valet Parking there now, and if so, where is the Valet Parking, is it [illegible]....."

Margaret Brady: "That, I am not aware of, I presume they use the Japanese Cultural Center."

Mr. Gartland: "No, when we are referring to Valet Parking, we are talking about the situations where the Mansion lends it's facilities, generally free of charge, to some public group and they are going to have a large gathering. Rather than jam up the street with traffic, we provide Valet Parking down to the Japanese Trade Center and down to Presbyterian Hospital."

Commissioner Ciani: "But ordinarily Valet Parking is done at a white zone. I was just wondering if you do it down the street or you just....."

Mr. Gartland: "We have the people drop off the car there and we immediately take it out."

Commissioner Ciani: "Could you give me an estimate, for example in the last 6 months, how many affairs have been held in the Mansion?"

Mr. Gartland: "Mr. Pritikin could you answer Commissioner Ciani, please?"

Mr. Pritikin: "In the last 6 months?"

Commissioner Ciani: "Just to pick an arbitrary time period."

Mr. Pritikin: "I would say an affair with a sizable number of people would be held every week and a half."

Commissioner Murphy: "When you say sizable what do you mean, 20 people, 50 people?"

Mr. Pritikin: "More than, let's say or in addition to the guests that stay at the home [illegible] wouldn't be more than [illegible] people."

Commissioner Ciggins: "There has been no protest against this?"

Mr. Gartland: "No, and this really [illegible] problem by the 55 bus if you don't have [illegible] drop off people."

Commissioner Ciani: "Well, I [illegible] status of the white zone in front [illegible]."

Mr. Gartland: "The Walden House was a community home type thing which has recently been sold and I really don't know what they are going to turn it into."

Commissioner Ciani: "Can the department then confirm that that is going to be abandoned, that that white zone is going to be revoked?"

Officer Hardiman: "We can go out and take a look at it, certainly."

Commissioner Murphy: "I know the Neighborhood Council has had some problem with the hotel being in an R-2 zone and I don't think that negates the fact that you may need a white zone now."

Commissioner Toler: "May I ask if the denial was based on these 16 units or because of the number of footage currently in use near that location?"

Officer Hardiman: "Primarily because of the 16 units but then there is 84' of white which is on each side of the building and I don't see why that can't be used for their purposes because they are only requesting 22' of white."

Mr. Gartland: "Well, the white zone that Commissioner Murphy talked about is on that Pacific High rise there that use to be owned by the Berkowitz' and it's a transient hotel now, I guess, and that white zone is always filled if you drive by there."

Officer Hardiman: "It would be the same with any white zone."

Commissioner Murphy: "Parking is very, very difficult because of Presbyterian Hospital. [illegible] the Presbyterian Hospital Garage at all as well as to the Japanese?"

Mr. Gartland: "They [illegible] Garage on occasion [illegible], and because this is a Bufano Society Headquarters, and because the Mansion is used for so many charitable affairs, they get a lot more people in there than you would get in a normal 16 unit hotel, [illegible] night a week they have a cultural affair of some type, if I may, I don't know if it will [illegible] or not which is open to the public [illegible] attend."

Commissioner Ciani: "Well, I would suggest that perhaps we should put this over. I don't know the reason for your suggestion that we put it over [illegible],

but at least I would like to put it over until we find out whether this 22' that's presently in front of the Walden House is going to be abandoned so that it really wouldn't change the net effect on the block to grant your request."

Mr. Gartland: "Well, it might be a question of whether the Walden House would be entitled to it as a.....I don't know how they originally got it either."

Commissioner Ciani: "Well, that could be looked into, if they are not entitled to it now, it could be revoked."

Officer Hardiman: "It could be revoked and if they are not going to be using it, we would revoke it, but that would not change the primary problem which is parking in that area, a residential area, and these affairs would put another strain on the street as it is."

Commissioner Siggins: "Yes, we understand that Officer Hardiman. Do you want to put it over?"

Commissioner Ciani: "Well, I would like to have a check on that because I don't know that we should add an additional white zone, but I wouldn't be adverse to moving the white zone from the Walden House area down the street."

Officer Hardiman: "Well, may we put it over then until January the 17th?"

Commissioner Ciani: "Is that agreeable to you Mr. Gartland?"

Mr. Gartland: "I beg your pardon [illegible], I didn't hear your question."

Commissioner Ciani: "[illegible] until the 17th of January, so [illegible] partment will check to find [illegible] House white zone can be removed."

Commissioner Murphy: "In other words, we would substitute one white zone for another. I think that would probably serve everybody's purpose if [illegible] way."

Commissioner Siggins: "Yes, [illegible] reflect the testimony of Mr. [illegible] and it should not be necessary for her to return."

Mr. Gartland: "Would it be.....while I appreciate that there could be no pre-determination of what would be done, could the department please advise me as to the status of the Walden House white zone, could you do that please, Officer?"

Officer Hardiman: "Sure."

Commissioner Murphy: "I think we should thank Mrs. Brady for coming too, because it does clarify a good deal."

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1508 TARAVAL STREET - WEST TARAVAL MARKET

a) At 1508 Taraval Street, install a 26' yellow zone, extending from east property line of 1508 Taraval 26' west of same.

b) Remove 15 minute green meter #1504 and install meter at #1502.

322-6th STREET - LAMBERT & WILLS CO.

a) At 322-6th Street, install a 22' yellow zone, extending from 2' to 24' south of north building line.

1520-1532 DIVISADERO STREET - R & K MEDICAL CO.

a) At 1520-1532 Divisadero Street, install a 44' yellow Special Truck Loading zone, extending from 76' to 110' [illegible] Geary.

b) Install Special Truck Loading [illegible], 7 A.M. to 5 P.M.

817 COLUMBUS AVENUE - MUSIC CITY

a) At 817 Columbus Avenue, install a 21' green zone, extending from 17' to 39' south of north building line.

145 BOSWORTH - NEW BOSWORTH MARKET

a) At 145 Bosworth, install a 32' green zone, extending from 19' to 51' east of Cuvier Street.

b) Revoke existing 32' yellow zone.

64-66-70 TOWNSEND STREET -BOUNCERS BAR & RESTAURANT & SONIC AIR COURIER

a) At 64-66-70 Townsend Street, revoke existing 80' yellow zone, extending from 15' to 95' west of Colin Kelly Street.

10 MINNA STREET - S.F.P.D.

a) At 10 Minna Street, revoke existing 22' green zone, extending from 40' to 62' east of west property line.

1268 GRANT AVENUE - S.F.P.D.

a) At 1268 Grant Avenue, revoke existing 22' yellow zone, extending from 10' to 32' south of Vallejo Street.

APPROXMIATELY 630 VALENCIA STREET - PEPSI COLA BOTTLING CO.

a) At approximately [illegible] Valencia Street, revoke existing [illegible] yellow zone, extending from 62' to 104' south of north building line.

b) Install two (2) meters.

630 VALENCIA STREET - PEPSI [illegible]

a) At 630 Valencia Street, revoke existing 24' yellow zone, extending 24' south of north building line.

b) Install meter.

1514 TARAVAL STREET - TENNIS SCHAACK

a) At 1514 Taraval Street, revoke existing 36' yellow zone, extending from 50' to 86' west of 25th Avenue.

b) Install 15 minute green meter (DPW)

1320 - 14th AVENUE - ST. ANNES SCHOOL

a) At 1320-14th Avenue, extend present white zone and additional 40' feet, extending from 120' to 180' south of Irving Street. (Present white zone is from 80' to 120' south of Irving Street.)

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 268 feet of green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 518-78

JAREN F. LEET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jaren F. Leet against the City and County of San Francisco in the sum of $24.50 on account of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1977

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 569-78

MARY L. EPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary L. Epson against the City and County of San Francisco in the sum of $15 00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1978

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 570-78

MATTHEW LEDBETTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Matthew Ledbetter against the City and County of San Francisco in the sum of $565.90 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 14, 1977 to March, 1978

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 571-78

RICHARD E. [illegible]

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard E. Rose against the City and County of San Francisco in the sum of $410.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: August 4, 1978

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meeting of December 6, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief DeAmicis: "There is no Chief's report to the Commission this week."

Commissioner Siggins: "The record should show that Chief Clement D. DeAmicis is standing in for Chief Charles Gain tonight. Thank you Chief."

SUPPLEMENTAL APPROPRIATION TO FUND THE PURCHASE OF ELECTRONIC STAKEOUT EQUIPMENT

Chief DeAmicis: "Commissioners you have before you a request for a Supplemental Appropriation of some $14,106.00 dollars for some electronic equipemnt which the Investigative Bureau needs quite vitally. Captain Schuler of the Personal Crimes Division did the research for the necessity and the selection of this equipment and he is here to speak for it this evening."

Captain Schuler: "Mr. President, Commissioners, you have received a packet containing information in regard to the SIMDAC System and we're requesting the Supplemental Appropriation to purchase [illegible] transmitters with portable cameras, [illegible] also 10 hand activated hand transmitters that would comprise a package that we could use in various situations, especially in regards to robberies. For example, this would give us the capability to [illegible] particular areas of the city where robberies are occurring frequently, or when there are a series of robberies by a particular individual. We would be able to stake out certain individuals with this equipment and have a much smaller number of officers that we would usually require to be in the area and when the particular device was activated at a particular location, it would let the person monitoring the receiver, know exactly what location that was, and also at the same time a photograph of the individual perpetrating the robbery would [illegible]. [illegible]

would be 10 photographs in color by polaroid camera."

Commissioner Ciani: "What kind of place would you stake out? Give us an example of the kind of location where this would be useful, at a hotel or a bank?"

Captain Schuler: "No,usually I would think grocery stores, bars, for instance we had the brown bag bandit. He had 48 robberies to his credit and he was hitting in particular, in fact, he was hitting the same location once and then going back and repeating sometimes three times at one location. So it would be useful in a case such as that."

Commissioner Ciani: "Explain to me how this works, is there a continuous film being taken or is it activated either personally by someone, or by somebody coming in front of a screen, how does it take a picture?"

Captain Schuler: "It's activated by an individual or the money clip activates when money is removed from the cash registers. It will be placed in the cash registers, otherwise there is also a hand held device so the person anywhere in the store could hit the device."

Commissioner Murphy: "You mean a store clerk, for example, could activate it?"

Captain Schuler: "By removing the money it activates and takes photographs. Of course, that would be the best way to use it because then you know that the suspect is near the cash register at that time."

Commissioner Ciani: "Would these all be used inside of a premises rather than on the street, or could they be used outdoors as well?"

Captain Schuler: "I believe they co[illegible] adapted to outdoor use. They would [illegible]

Commissioner Ciani: "I know we have had a lot of objections to the eye in the sky kind of thing because of the Big Brother connotation, and I wanted to make it clear that this is not that kind of equipment, it's really on a much smaller scale."

Captain Schuler: "No, it would be unusual to use outside. There may be instances when it [illegible], but it wouldn't be suitable for surveillance."

Commissioner Siggins: "It's not just to pinpoint somebody to see what they are doing, it's actually to detect burglaries and robberies."

Commissioner Murphy: "When they are occurring."

Captain Schuler: "Yes, while they are occurring."

Commissioner Murphy: "How many of these would you have for $14,000 dollars?"

Captain Schuler: "We would have 10, the receiver is capable of having a hundred units attached to it so we could expand it, but we could take an area, say a district, say Mission Street, in a particular area and the units wouldn't have to stay very close, they could stay within blocks of the target area and if one went off we would know exactly where that was and that information could be broadcast to the units in the area and an arrest could be made, and also we would have the photograph of the suspect which would be very advantageous since indentification of suspects is quite hard to accomplish in most cases."

RESOLUTION NO. 572-78

SUPPLEMENTAL APPROPRIATION TO FUND THE PURCHASE OF ELECTRONIC STAKEOUT EQUIPMENT.

RESOLVED, that the Police Commission hereby approves a Request for Supplemental Appropriation in the amount of $14,106 for the purpose of purchasing electronic stakeout equipment.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

SALE OF PATROL SPECIAL BEAT #105

Officer Rolovich: "Mr. President, Commissioners, this is in regard to the sale of Patrol Special Beat #105, located in the Richmond District, and the Beat owner that is selling it. His name is William Barnhardt, and he is selling it to Elbert Taylor. Now this is Elbert Taylor and he is presently an Assistant Patrol Special."

Commissioner Siggins: "In another District."

Officer Rolovich: "Right,now I have just been informed that Mr. Barnhardt is unable to attend because of unavoidable illness. Now what he did do, his representative is here, Patrol Special John Vain, who has given me these papers, Power of Attorney, and they have been signed by him and notarized, and I will show them to you."

Commissioner Siggins: "Okay, the record should show that Power of Attorney to act in behalf of William Barnhardt has been given to Johnny Vain and you are Johnny Vain?"

Mr. Vain: "Yes sir."

CommissionerCiani: "Do I understand that Mr. Taylor already has a beat, or is he an Assistant on someone else's beat?"

Officer Rolovich: "Mr. Taylor is an Assistant on another beat, he wants to buy this beat so he can operate it himself."

Commissioner Ciani: "But is he fully qualified?"

Officer Rolovich: "Yes, he is. I think all of the papers are there."

Commissioner Murphy: "This is pretty much a residential beat?"

Mr. Vain: "Yes it is. It is approximately 10 to 15 businesses other than that, it is all residential."

Commissioner Ciani: "Is this within the ambit of the usual ratio between the income and the purchase price for a beat, is this about the right ratio?"

Officer Rolovich: "This is about right. I think it is reasonable, very reasonable."

Commissioner Toler: "How many years has Mr. Taylor been working as an officer?"

Mr. Taylor: "Nine years."

Commissioner Murphy: "As an Assistant?"

Commissioner Siggins: "You have been working at Northern, haven't you?"

Mr. Taylor: "Northern."

Commissioner Ciani: "I move the approval of the transfer."

Commissioner Murphy: "Second."

Commissioner Siggins: "All in favor?"

AYES: Commissioner Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

Commissioner Siggins: "Mr. Barnhardt is going out of the business then?"

Mr. Vain: "Yes, he is, but he is going to be an Assistant to me. I am a beat owner of Beat 75, which is just 3 blocks short of bordering his beat. It is from 10th Avenue to 30th Avenue, and Fulton to Lake Street. It is in the Richmond Police District also."

RESOLUTION NO. 573-78

PATROL SPECIAL OFFICER WILLIAM R. BARNHART - REVOKED

RESOLVED, that the appointment of Patrol Special Officer William R. Barnhart for Beat No. 105, Richmond Police District, be, and the same is hereby revoked effective December 27, 1978, he having sold his beat to [illegible] Taylor.

AYES: Commissioners Ciani, [illegible], Toler, Siggins

NOT VOTING: [illegible]

RESOLUTION NO. 574-78

PATROL SPECIAL OFFICER ELBERT TAYLOR - APPROVED

RESOLVED, that Elbert Taylor, be, and he is hereby appointed a Patrol Special Officer for Beat No. 105, Richmond Police District; said appointment effective December 27, 1978, he having purchased Beat No. 105, Richmond Police District, from William R. Barnhart.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

PRESENTATION OF THE SAN FRANCISCO POLICE DEPARTMENT BUDGET FOR THE FISCAL YEAR 1979/80 TO THE POLICE COMMISSION.

Chief DeAmicis: "Commissioners, you have each received a copy of the bare bones budget as required by the Mayor."

Commissioner Siggins: "Okay, I think we should recognize acceptance of the proposed budget and also make a record that it has been distributed to the three Employee Organizations."

Chief DeAmicis: "Yes, that's correct."

Commissioner Siggins: "We are going to have a hearing on the Budget on January 3rd."

Commissioner Murphy: "And then there is another hearing, isn't it the 13th?"

Chief DeAmicis: "I am not positive about the [illegible] hearing."

Commissioner Murphy: "Anyway the first meeting will be January 3rd."

Chief DeAmicis: "That's the public hearing scheduled here."

Commissioner Siggins: "Once again, we point out that any Commissioner can call the Staff and get the information on any items on the budget, that is correct,

isn't it Lieutenant O'Donnell?"

Lieutenant O'Donnell: "Yes sir."

Commissioner Siggins: "And Commissioner Murphy has stated to me that she would like to have certain things put into it in the same form."

Chief DeAmicis: "Yes."

Commissioner Murphy: "Budget request form, yes."

Chief DeAmicis: "Yes, that will be arranged."

Commissioner Murphy: "Fine, I would like it done by January 3rd."

Commissioner Ciani: "Now what excerpts of this are available for persons who want to study portions of it and testify at the Public Hearing? Are there copies available at some location and should that be announced?"

Chief DeAmicis: "Copies will be available in your office tomorrow."

Commissioner Murphy: "The Commission Office?"

Commissioner Ciani: "Will the notice of this hearing indicate that copies are available for viewing at the Commission Office?"

Sergeant Frazier: "The notice has been sent out and it indicates that copies of the budget will be available for public inspection in the Office of the Police Commission."

Commissioner Ciani: "[illegible]"

Sergeant Frazier: "Right, in fact, I [illegible] a notice on the bulletin board out front."

Commissioner Ciani: "We have had questions come up before about whether people can have things copied and re-imburse the department for it. If someone wanted to have a copy of it, could it be purchased, and if so, what's the charge for that?"

Commissioner Siggins: "Let's say 10 cents a page."

There followed a discussion of making the budget request available to the public. The Commission was assured that all steps possible had been taken to do so.

Commissioner Ciani: "Will we be making money at 10 cents a sheet?"

Commissioner Siggins: "No, but I think that is in compliance with the code."

Sergeant Frazier: "In accordance with the San Francisco Administrative Code, 10 cents a sheet would be appropriate."

Commissioner Siggins: "Okay, these are long sheets. Well, then, we have accepted the budget for our study."

The Commission adjourned in memory of Chief Gain's father and the two California Highway Patrolmen, Officers Roy P. Blecher and William Freeman, who died in the line of duty.

Commissioner Siggins: "Motion to adjourn?"

The Commission then adjourned its meeting at 1800 hours.

SECRETARY